

CORPORATION PROCEEDINGS
COMMON COUNCIL
CITY HALL - BUFFALO
TUESDAY, JANUARY 25, 2011
AT 2:00 P.M.

Present – David A. Franczyk, President of the Council, and Councilmembers: Fontana, Golombek, Kearns, LoCurto, Pridgen, Rivera, Russell & Smith - 9
Absent - None

On a motion by Mr. Fontana, Seconded by Mr. Rivera, the minutes of the stated meeting held on January 11, 2011 were approved.

	* A Y E *	* N O *
FONTANA	* / *	*
FRANCZYK	* / *	*
GOLOMBEK	* / *	*
KEARNS	* / *	*
LOCURTO	* / *	*
PRIDGEN	* / *	*
RIVERA	* / *	*
RUSSELL	* / *	*
SMITH	* / *	*

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[MAJ - 5]
[2/3 - 6]
[3/4 - 7]

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FROM THE MAYOR

January 25, 2011

TO: THE COMMON COUNCIL **DATE:** January 20, 2011
FROM: DEPARTMENT: **EXECUTIVE**
SUBJECT: **Statler Towers Matters**
 Ellicott District

PRIOR COUNCIL REFERENCE: (IF ANY) None

As this Honorable Body knows, the owner of the Statler Towers, BSC Development Buf, LLC, (*i.e.*, the company owned by Bashar Issa) ("BSC"), abandoned the Statler Towers some time prior to April of 2009. In April of 2009, creditors of BSC filed bankruptcy proceedings against BSC. The bankruptcy status enabled the locally based Bankruptcy Trustee, Morris Horwitz, to take all necessary steps with respect to the Statler Towers including selling the Statler Towers. At this time, however, the Trustee has filed a motion with the Bankruptcy Court to abandon the Statler Towers. Abandonment would release the building to the control of BSC and remove it from the Bankruptcy Proceeding. This action would greatly jeopardize the transfer of the building to a responsible third party developer, and likely leave the City no option, but to acquire the building via condemnation or property tax foreclosure.

The Trustee has stated he will continue to work with the City on identifying a purchaser of the Statler Towers, if the City waives claims to post-petition expenses against the bankrupt estate. The Bankruptcy law contains unique provisions under which certain post-petition (in this case, post-April 2009) expenses related to the Bankrupt estate (as it applies to the City, property taxes, sewer, water and the City's safety measures) are eligible for potential "administrative expense claims" status along with other typical expenses of a Bankrupt estate, such as the Trustee's professional fees and a number of other expenses related to the Trustee's efforts to maintain and transfer the property. Currently, the total potential post-petition "administrative expense claims" from all parties, including the City, against the Trustee's debtor's account (now containing \$400,000 +/-) are in excess of approximately \$800,000. This situation, as well as the continuing potential liabilities to the Trustee regarding, among other things, the falling debris and bricks from the building (and related insurance costs), has in large measure informed the Trustee's decision to formally request the Bankruptcy Court Judge to allow the Trustee to abandon the Statler Towers rather than continuing to pursue an orderly transfer to a third-party.

As an inducement to get the Trustee comfortable with foregoing the Trustee's abandonment efforts and continuing on with a sale process, I am requesting that Your Honorable Body authorize me to execute a formal waiver or waivers of the City's potential administrative expense claims against the Trustee, which include:

- property tax related claims of approximately \$189,675.54;

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- safety measure related claims in the amount of approximately \$34,000 (Thus far the City also paid up to approximately \$34,000 for public safety measures at the Statler Towers in the form of the fencing and barricading of the property to protect the public against falling debris, bricks, *etc*);

and for me to otherwise execute or facilitate and support waivers of administrative expense claims, which include:

- sewer charges in the amount of approximately \$9,775.20 and
- water charges in the amount of approximately \$80,454.02.

Combined all the listed figures above increase in the amount of approximately \$6,500 per month and I would therefore further request that any authority granted to me in this regard by Your Honorable Body include the monthly increases of approximately \$6,500 associated with these potential administrative expense claims waivers as we move into February 2011 and, if necessary, beyond.

These waivers would not waive the tax lien, the sewer lien, or the water lien as against the Statler Towers property. The City-related total expenses are property tax, sewer charges and water charge liens dating back to 2008. As of January 2011, these expenses are up to approximately \$509,000 in the aggregate. The City would also continue to have a claim for safety measures taken to date.

The waiver currently being requested would only apply to reduce the financial pressure on the Trustee in carrying the building through to facilitate the continuation of an orderly sale process rather than the disastrous consequences of a Trustee abandonment of the Statler Towers property. I further note that such waivers would be drawn so as to effectuate only upon actual recordation of a deed of transfer from the Trustee to a responsible private sector entity or (as a last resort) to the City of Buffalo.

I am recommending that Your Honorable Body approve the foregoing waiver measures and grant authorization for me as Mayor, and other pertinent City personnel, to execute such documents, enter into such agreements, and take all such other steps as are necessary to process and implement the above described waivers of administrative expense claims.

DEPARTMENT HEAD NAME:

EXECUTIVE

TITLE:

MAYOR

SIGNATURE OF DEPARTMENT HEAD NAME



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Mr. Fontana moved:

That the above communication from the Mayor dated January 20, 2011 be received and filed; and

That the Common Council authorizes the Mayor, and other pertinent City personnel, to execute such documents, enter into such agreements, and take all such other steps necessary to process and implement the above described waivers of administrative expense claims.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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TO: THE COMMON COUNCIL

DATE: January 21, 2011

FROM: THE EXECUTIVE DEPARTMENT

SUBJECT: 2011-2012 Annual Action Plan (Year 37 Community Development Block Grant)

Attached for Your Honorable Body's consideration, please find the City of Buffalo's 2011-2012 Annual Action Plan in accordance with the projected allocation of \$23,752,973 in funds set forth by the U.S. Dept. of Housing & Urban Development as follows.

Community Development Block Grant	\$17,409,073
HOME Investment Partnership Grant	5,073,088
Emergency Shelter Grant	705,483
Housing Opportunities for Persons with AIDS	565,329

This budget reflects my administration's commitment to neighborhood revitalization and stabilization by providing \$2,807,020 for the demolition of 180 vacant and blighted structures, \$1,350,000 for 182 emergency rehabilitations and \$1,650,000 for 139 additional rehabilitations through the HOME program. In addition, \$500,000 is provided to rehab the long vacant School 60, which will house veterans and special needs individuals and create an estimated 20 permanent jobs. These funds are necessary to offset funding losses with the expiration of New York State's RESTORE NY program, which has provided over \$20 million to the city for demolitions and rehabs over a three year period.

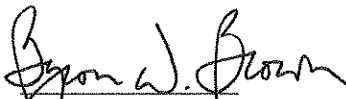
With the return of the city parks from the county, numerous needed improvements, such as roofing and sports and fitness infrastructure, have been identified. Funding in the amount of \$600,000 is provided to improve city parks and recreational centers in some of the city's neediest neighborhoods, thereby improving the quality of life for residents living in the surrounding neighborhoods. In addition, \$2,858,728 in critical human service funding for community group delivery programs maintains current year funding levels.

New funding for employing and preparing for the workforce 350 of some of the city's neediest youth is provided in the amount of \$350,000. An additional \$150,000 is also provided to prepare low income city residents for jobs in health care and the life sciences emerging through expansion of the Buffalo Niagara Medical Campus.

With the dissolution of the Buffalo Economic Renaissance Corporation nearly complete, staffing and other administrative costs for the corporation have been eliminated, reducing the allocation for these purposes by nearly \$1 million. Planning and administration of a new Commercial District Business Improvement Program is funded at \$50,000. The program will utilize prior year fund balances for façade and other improvements. The city's commitment to commercial lending and other business assistance programs will be maintained by utilizing prior year fund balances, as well. Further bolstering economic development efforts is \$210,000 in funding for a community policing and crime prevention initiative to make business districts safer.

Improving the environment in which to live and invest in is provided through \$3,000,000 for streets and public facilities city-wide, including the Medical Park/Fruitbelt redevelopment initiative.

Pursuant to HUD's citizen participation requirements and the requirements for presenting agency budgets, the city's 2011-2012 Annual Action Plan is developed with community input and is designed to carry out the objectives in the city's approved 2008-2012 Consolidated Plan.



Byron W. Brown
Mayor

REFERRED TO THE COMMITTEE
ON COMMUNITY DEVELOPMENT.

1A



City of Buffalo
Byron W. Brown, Mayor

**2011-2012 Annual Action Plan
Recommendation**

Community Development Block Grant (CDBG)
HOME Investment Partnership Program (HOME)
Emergency Shelter Grant (ESG)
Housing Opportunities for People with AIDS (HOPWA)

Office of Strategic Planning
Brendan Mehaffy, Executive Director &
Vice-Chairman, Buffalo Urban Renewal Agency

Preface

In 1990, the United States Congress passed the Cranston-Gonzalez National Affordable Housing Act which required local governments receiving Federal funds for the administration of housing and community development programs to prepare a five-year plan showing the use of Federal resources. The *Consolidated Plan for Housing and Community Development* is a prerequisite for the City's annual funding from the U. S. Department of Housing and Urban Development (HUD) for four Federal entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), the Emergency Shelter Grant (ESG), and Housing Opportunities for People with Aids (HOPWA).

The annual funding of the City's priority projects is described in the *Annual Action Plan*. Each project addresses one of the City's most critical needs in economic development, neighborhood revitalization, housing development, and public services for low and moderate-income families and homelessness.

CITIZEN PARTICIPATION

Each year the City solicits citizen participation in developing the *Annual Action Plan*. The City's Office of Strategic Planning officials conducted a public hearing and an application workshop to enhance community participation. Brendan Mehaffy, Executive Director of Strategic Planning, conducted a public hearing on community needs which was held on October 7, 2010 at the Buffalo and Erie County Public Library. Mr. Mehaffy provided estimated amounts for entitlements, reviewed the Consolidated Plan's goals and objectives, reviewed the adoption process, and addressed participant comments and concerns. Mr. Mehaffy also discussed the City's targeting efforts. A Technical Assistance Workshop was held on October 12, 2010 at the Delavan Grider Community Center. The City's application and handbook were streamlined to make the process easier for non-profit agencies to apply for funding. Ms. Tanya Perrin-Johnson, Commissioner of Community Services, conducted the Workshop. Technical assistance was provided for agency capacity, performance measurement, allowable costs, allocable costs, and cost allocation. The Consolidated Plan Goals were reviewed and guidance was provided on the types of activities eligible for funding. A Public Notice advertising the public hearing and application workshop was printed in the legal section of the *Buffalo News*, a publication with the greatest distribution throughout the City. The Public Notice was also advertised in the *Buffalo Criterion* and *La Ultima Hora* to reach out to minority and ethnic populations. The City also sent out approximately 700 notices of the Adoption Process Schedule to individuals, block clubs, the Buffalo Municipal Housing Authority, and community groups. The City's community based non-profit organizations posted the notices in their centers. The public hearing and workshop were also advertised on the City's web site. The application package was available on the City's Office of Strategic Planning's web site at http://www.city-buffalo.com/Home/City_Departments/Office_of_Strategic_Planning/ConsolidatedPlanDocuments. A hard copy of the application and handbook were distributed at the Application Workshop. In addition, the documents were also made available on computer disk for distribution at the Application Workshop.

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YEAR 37 ANNUAL ACTION PLAN PROCESS

The City of Buffalo, via the Office of Strategic Planning, adheres to the following process in order to submit a proposed 2011-2012 Annual Action Plan to the U.S. Department of Housing & Urban Development.

The process follows various regulations set forth by the Department of Housing & Urban Development to ensure compliance for citizen participation.

- ❖ Announcement: Public Notice was made on September 24, 2010 in the Buffalo News to announce the beginning of the 2011-2012 Consolidated Plan process. This announcement is made so that citizens are aware of the City's goal to prepare a document for submission to HUD.
- ❖ Public Hearing: [October 7, 2010, 6:00 p.m. at the Buffalo & Erie County Public Library]. Public Notice was made in the Buffalo News, the Buffalo Criterion, La Ultima Hora and on the City's website to invite citizens to discuss their housing and community development needs, identify priorities for resources, provide an estimate of funding amounts, and provide a review of the previous year's progress. Announce availability of Request for Proposals (RFP) for ESG, HOPWA, and CDBG public service and public improvements funding. Information was also presented on the Consolidated Plan and the proposed annual spending plan, outline the contracting of programming and services and engage in citizen participation.
- ❖ Application Workshop: [October 12, 2010, 9:00 a.m. at the Delavan Grider Community Center]. Assist those interested organizations with the familiarity of the application, its review and approval process and related requirements needed for submission.
- ❖ Mayor's Recommendation: The Mayor reviews all comments and recommendations and recommends an Annual Action Plan. The recommendation is forwarded to the Common Council and BFSA for their review.
- ❖ Common Council/Buffalo Fiscal Stability Authority (BFSA) Review: [CC Review January 2011 – February 8, 2011] Common Council and BFSA are given an opportunity to comment on the proposed Consolidated Plan and 2011-2012 Annual Action Plan.
- ❖ Public Hearing: [February 15, 2011, 6:00 p.m., [Buffalo & Erie County Public Library] The proposed 2011-2012 Annual Action Plan will be made available to the general public for their review and discussion.
- ❖ 30-Day Comment Period: Commencing with the Public Hearing, a 30-day comment period shall ensue to allow comments from the citizens at-large. All comments will be collected and included within the plan before submission to HUD.
- ❖ BURA Adoption: [Thursday, March 17, 2011] The Buffalo Urban Renewal Agency shall review all comments and recommendations and approve a final Consolidated Plan and Annual Action Plan that is to be submitted to HUD for approval.
- ❖ Submission to HUD: On or before March 17, 2011 the City of Buffalo shall submit to the U.S. Department of Housing & Urban Development the adopted 2011-2012 (Year 37) Annual Action Plan. It shall include all comments submitted to the Office of Strategic Planning.

EXECUTIVE SUMMARY

The *Annual Action Plan* reflects the City's funding priorities and identifies the projects proposed to receive Federal funds under the CDBG, HOME, ADDI, ESG, and HOPWA programs. The *Annual Action Plan* describes priority projects for neighborhood revitalization, public improvements, housing development, economic development, public services, and homeless activities. The City of Buffalo anticipates receiving over \$23.75 million in Federal grants from HUD's Community Planning and Development Programs. In fiscal year 2011, the City estimates it will receive \$17,409,073 for CDBG (plus utilize \$1,650,000 of program income generated from prior years' grant activities), \$5,073,088 for HOME (plus \$250,000 of program income), \$565,329 for HOPWA, and \$705,483 for ESG. CDBG, HOME, HOPWA and ESG activities leverage millions of dollars in State, local and private financing. They enhance the City's housing and community development programs, supporting safe, well-planned, attractive residential and business districts. CDBG financed projects respond to the most urgent needs of limited income residents. The City estimates that over 70% of the funding allocated to CDBG activities will benefit low to moderate income persons with the remainder targeted to alleviate slum and blight. Maximum benefit is derived from each dollar spent.

The City's first major goal is to concentrate neighborhood revitalization and public improvement activities within thirteen (13) targeted revitalization areas. To achieve the greatest impact, the City will try to focus program dollars annually in certain neighborhoods within these targeted areas.

Specific neighborhoods within these areas include:

- | | |
|-----------------------------------|-----------------|
| - Willert Park Homeownership Zone | - Lakeview |
| - Black Rock | - Leroy |
| - Broadway/Fillmore | - Cold Springs |
| - Cazenovia Park | - Medical Park |
| - Seneca /Triangle | - Schiller Park |
| - Grant/Ferry | - Hamlin Park |
| - Masten Park | |

A description of these neighborhoods is included in the "Mayor's Livable Communities Initiative – A Housing Strategy for the City of Buffalo". HOME dollars for the Owner Occupied Rehab Loan Program as well as Community Housing Development Organization (CHDO) Rehabilitation Projects will also be focused in these areas. Seven CHDO sponsored activities are underway on targeted streets in the University, Niagara, North, Fillmore, Lovejoy, Ellicott, and Masten Districts of the City. Public facilities and improvement projects to be undertaken in these areas include street improvements, and park and playground improvements in low income neighborhoods.

The City will also be targeting funding for its Mid City Neighborhood Revitalization Strategy Area. Funds will be used to provide public improvements (streets and/or sidewalks) as well as an employment training program in the NRSA.

The City will use its CDBG funds to provide Emergency Rehab Loan Assistance to low-moderate income homeowners on a city-wide basis.

Revitalization of deteriorating neighborhoods will be accomplished through residential rehab, weatherization, demolition and clearance of blighted structures. Priority will be given to preserving the existing housing stock through rehabilitation and energy conservation to maintain a high level of quality housing for low- and moderate-income residents.

Public housing renovations and modernization, and handicapped accessibility improvements are high priorities. The support for public housing projects will be accomplished through continued support of the Hope VI (Lakeview) and proposed A. D. Price projects.

A major goal is to stimulate neighborhood and economic revitalization activities in low and moderate income areas of the city. A Neighborhood Business District Façade Loan/Grant Program is being funded to support this goal.

Another major goal is to support public services that improve the health, welfare and safety of residents, especially the elderly, frail elderly, the homeless, persons with special needs and other vulnerable populations. CDBG activities include senior services; health care services; housing services to support affordable housing opportunities for first-time homebuyers and to prevent homelessness; fair housing services, transportation; child care and youth services; employment training services; crime prevention and elimination services; and services to persons with disabilities. Funding will also be used to fund the Code Blue Program to provide a warming center for the homeless.

Funding this year will again be utilized to revitalize city parks central to neighborhood revitalization and the quality of life for individual and families residing in low/mod neighborhoods, as well as other neighborhood improvements.

The *Annual Action Plan* for the HOME Investment Partnerships (HOME) Program, Year 2011-2012, addresses the City's goal to achieve quality housing for all residents. As in prior years, the City will continue to use an RFP process to implement the targeted housing rehab program to ensure the concentration of financial resources and a greater impact in selected neighborhood revitalization strategy areas, and to assist owners who need to repair emergency conditions. The City will also work with HUD, its technical assistance provider, banks and other national not-for-profit organizations to expand the capacity of nonprofit housing providers; thereby strengthening the City's housing programs and better leveraging private sector participation.

The *Annual Action Plan* for the Housing Opportunities for Persons with AIDS (HOPWA) Program, Year 2011-2012 continues services for the HIV and AIDS community. Housing for persons living with HIV/AIDS is provided through tenant-based rental assistance, short term/emergency housing payments (i.e., utility shutoff prevention), support for housing units in congregate care facilities, and support services such as food pantries.

The *Annual Action Plan* for the Emergency Shelter Grant (ESG) Program, Year 2011-2012 continues emergency services for homeless families at area shelters. The proposed funding will fund a continuum of care that will provide active outreach to seek homeless individuals and families in soup kitchens, shelters, in parks, abandoned homes and other places where homeless individuals and families are found. Legal representation will be provided to clients who face eviction in housing court or who face foreclosure because of delinquent property tax payments. ESG funds are also provided for rent payments, security deposits and utility payments.

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YEAR 37 PROPOSED BUDGET – LINE ITEM SUMMARY

PUBLIC FACILITIES & IMPROVEMENTS

600,000.00	<u>Park/Playground Improvements</u> Park/playground improvements in low/mod neighborhoods. Improvements will include shelters, roof replacements, play structures, bleachers, and wellness & fitness infrastructure and security lighting.
90,373.00	<u>Program Delivery-Public Facilities & Improvements</u> Funding allocation for those costs (salary) directly associated with the improvement of various public facilities, which are included within the City's Annual Action and 5-Year Consolidated Plans.
51,000.00	<u>Livable Communities Block Club Grants</u> Grants provided to Block Clubs and non-profit organizations for various beautification initiatives.
2,100,000.00	<u>Public Improvements</u> Improvements to streets/sidewalks/safety lighting in low/mod neighborhoods throughout the city including the Medical Park and Fruitbelt neighborhoods.
400,000.00	<u>Public Improvements - NRSA</u> Improvements to streets/sidewalks/safety lighting in NRSA.
250,000.00	<u>HEAL Building Rehabilitation</u> Rehab of building for HEAL, a not-for-profit agency providing refugee services in the Grant Ferry community.
500,000.00	<u>Public Facility Improvements</u> Improvements to public facilities in low/moderate income neighborhoods throughout the City of Buffalo.

675,797.00
[ESG]

Emergency Shelter Grant (ESG)

Regulatory funding designated to benefit the homeless community by affording them housing and quality of life opportunities where discrimination and/or lack of resources exist. The following are those who have been recommended for funding.

City Mission	64,797
Community Action Organization	20,000
Compass House	45,000
Crisis Services	155,000
FLARE	33,500
Gerard Place	33,500
Hispanics United of Buffalo	32,000
Legal Aid Bureau of Buffalo	23,000
Lt. Matt Urban Center	75,000
Neighborhood Legal Services	60,000
Salvation Army	40,000
Saving Grace Ministries	30,000
VIVE	25,000
WNY Vets	24,000
YWCA of WNY	15,000

549,670.00
[HOPWA]

Housing Opportunities for Persons with AIDS (HOPWA)

Regulatory funding designated to benefit the AIDS community by affording them housing and quality of life opportunities where discrimination and/or lack of resources exist. The following are those who have been recommended for funding.

AIDS Community Services	185,000
American Red Cross	176,303
Benedict House	188,367

CLEARANCE ACTIVITIES

372,240.00	<u>Clean & Seal - Clearance</u> Salaries and supplies for the 'Clean & Seal' Crew, which board-up vacant structures and improve vacant lots throughout the city. Coordination of the Clean & Seal Crew is performed by the City's Division of Citizen Services.
2,807,020.00	<u>Demolitions - Citywide</u> Funding for the demolition of various structures which perpetuate slum and blight conditions or pose an impending hazardous condition (fire damage, etc.). This will compliment the City's annual bond appropriation.
60,000.00	<u>Remediation BURA Site(s)</u> Funding for the remediation of various BURA owned sites that have environmental concerns.
74,396.00	<u>Program Delivery-Demolitions/Clearance Activities</u> Funding allocation for those costs (salaries and fringe benefits) directly associated with the demolition and clearance of various structures, which are included within the City's Annual Action and 5-Year Consolidated Plans.

PUBLIC SERVICES

2,858,728.00	<u>Public Services</u> Public services for city residents. Services include, but are not limited to youth, senior, cultural enrichment, literacy and special needs (physical /mental handicapped).
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Advisory Board for Lovejoy Elderly & Youth- Seniors	87,720
African Cultural Center - Youth	69,690
Back to Basics - Substance Abuse	30,573
Buffalo City Mission - Code Blue Warming Program	55,000
Buffalo Urban League- Don't Borrow Trouble	45,573
Community Action Org./Friends to Elderly - Senior & Youth Programs	29,771
Community Action Org./Pratt Willert- Senior & Youth Programs	71,146
Computers for Children	50,000
Concerned Ecumenical Ministries - Senior	36,567
CRUCIAL Human Services - Youth	71,367
Erie Regional Housing Dev. Corp./Los Tainos (S&Y)	89,623
Fillmore-Leroy Area Residents (Senior & Youth)	34,692
Gloria Parks HS/University Heights (Senior & Youth)	126,146
Hispanics United Of Buffalo (Senior Program)	25,573
Homeless Alliance	26,845
Housing Opportunities Made Equal - Fair Housing	75,573
King Urban Life Center - Youth Program	40,573
Legal Aid Bureau of WNY - Fair Housing	60,573
Legal Aid Bureau of WNY - Mortgage Foreclosure	30,573
Legal Aid Bureau - Legal Services for the Elderly	14,234
Literacy Volunteers of WNY	13,091
Metro CDC - Senior & Youth Programs	95,573
Neighborhood Legal Services	35,573
North Buffalo CDC - Senior & Youth Programs	96,932
Northwest Community Center - Senior & Youth	246,519
Old First Ward - Senior & Youth Programs	57,194

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Parkside Community Association – Youth Program	22,000
People, Inc – Handicapped Program	26,054
Police Athletic League – Youth Program	112,604
Polish Community Center/Matt Urban – Sr. & Youth	169,146
Schiller Park – Senior Program	102,573
Seneca-Babcock HS – Senior & Youth Program	52,792
South Buffalo Community Center – Senior Program	134,573
Valley Community Association – Senior Program	25,573
West Side Community Services- Senior, Youth, Anti-Crime Program	154,146
West Side NHS	20,000
WNY Law Center (Anti-Flipping)	20,000
William-Emslie YMCA – Senior Program	42,573

150,000.00 Public Services – Medical Campus
Public services pursuant to the strategy carried out by a community based development organization. Services include employment training for emerging jobs in the life sciences and health care industries.

210,000.00 Public Services – Community Policing & Crime Reduction Efforts
Community policing along business districts and crime reduction efforts in low/mod areas of the City.

NRSA

350,000.00 Public Services – Mid City NRSA
Public Services pursuant to the strategy carried out by a community based development organization for youth job training and employment.

HOMEOWNERSHIP ASSISTANCE

100,000.00 Downpayment Assistance
Funding for down payment and/or closing cost assistance for eligible low/moderate income first time homebuyers.

250,000.00 Program Delivery-Homeownership Assistance
Funding allocation for those costs (salaries and fringe benefits) directly associated with the implementation of homeownership assistance, which is included within the City's Annual Action and 5-Year Consolidated Plans.

REHABILITATION ACTIVITIES

1,350,000.00 Emergency Loan Program (Single/Multiple Units)
Program to assist eligible homeowners with various 'emergency' repairs, such as roof and furnace repair or replacement, repair of broken water and sewer lines, hot water tank replacement, or correction of hazardous conditions in the main electrical panel. Funding will be available city-wide, including outside of targeted areas.

500,000.00	<u>Housing Rehab School 60</u> Rehab of School 60 for Veterans and special needs housing.
180,000.00	<u>Weatherization Program</u> Funding to assist eligible homeowners with weatherization repairs aimed at improving the home's ability to withstand the elements, including insulation and weather-stripping as well as improving energy efficiency including new windows and doors, and other similar improvements.
450,000.00	<u>Program Delivery-CBO/NHS</u> Funds allocated as contractual awards to Community Based Organization (CBO) and/or Neighborhood Housing Services (NHS) to assist with the delivery of the City's Loan Programs and to provide matching funds for the City's and agency's loan programs. Contracts will be awarded to through an Request for Proposal (RFP) process that have shown the qualifications and resources needed to accomplish the City's goals within the 5-Year Consolidated Plan.
557,700.00	<u>Program Delivery-Rehabilitation Loan Contractor</u> Through a Request for Proposal (RFP) process, funds have been awarded by the Buffalo Urban Renewal Agency to an agency (not-for-profit), which will administer the City's Rehabilitation Loan Program.
250,000.00	<u>Program Delivery-Rehabilitation Administration</u> Funding allocation for those costs (salaries and fringe benefits) directly associated with the implementation of rehabilitation activities, which is included with the City's Annual Action and 5-Year Consolidated Plans.
760,963.00 [HOME]	<u>Rehabilitation-CHDO</u> Mandatory set aside of 15% of the HOME allocation for certified Community Housing Development Organizations that undertake housing redevelopment activities, including acquisition/rehab/resale programs or other CHDO eligible affordable housing.
253,654.00 [HOME]	<u>Rehabilitation-CHDO (Operating Costs)</u> Operating Cost allocation for those Community Based Organization (CBO) and/or Neighborhood Housing Service agencies (NHS) that are designated as Community Housing Development Organizations (CHDO), for various housing initiatives.
1,650,000.00 [HOME]	<u>Rehabilitation-Loan Program (Owner Occupied)</u> Funding source for City's rehabilitation loan program for low-moderate income City residents to bring homes in targeted areas into compliance with local codes and to ensure adherence to lead based paint hazard reduction requirements.

2,126,162.00
[HOME]

Rental Rehabilitation/New Construction (Multi Family)

Funding to rehabilitate and/or improve multi family structures, which are owned by investors and are within targeted areas of the city as designated within the 5-Year Consolidated Plan. Funding will be available in other parts of the city but will be analyzed to ensure compliance within the City's 5-Year Consolidated Plan.

CODE ENFORCEMENT

372,239.00

Clean & Seal – Code Enforcement

Salaries and supplies for the 'Clean & Seal' Crew, which board-up vacant structures and improve vacant lots throughout the city. Coordination of the Clean & Seal Crew is performed by the City's Division of Citizen Services.

NEIGHBORHOOD IMPROVEMENT ASSISTANCE

50,000.00

Commercial District Business Improvement Program

Loans and grants to eligible businesses for improvements such as facades, roofs and security systems.

760,286.00

HUD Section 108 Debt Repayment

The amount necessary for repayment of funds borrowed through the HUD Section 108 program.

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PLANNING/ADMINISTRATION

1,811,319.00	<u>Planning, Policy, Management</u> Funding allocation for those costs (salaries and fringe benefits) directly associated with the planning, policy, and management of the City's Annual Action and 5-Year Consolidated Plans.
30,000.00	<u>Planning Study</u> Development of model to measure success of after-school programs to be used as an evaluation tool for public service youth programs throughout the city.
1,123,772.00	<u>General Administration</u> Funding allocation for those costs (salaries and fringe benefits) directly associated with the general administration of the City's Annual Action and 5-Year Consolidated Plans.
532,309.00 [HOME]	<u>General Administration - Home Investment Partnership Program (HOME)</u> Represents the 10% administration cost cap for the HOME entitlement grant. It is the allotment for those costs (direct and indirect) associated with the administration of the funds.
525,000.00	<u>General Administration (Program Income)</u> Salaries and fringe for administration (program income).
29,686.00 [ESG]	<u>Emergency Shelter Grant (ESG) Administration</u> Represents 5% of the ESG entitlement grant. It is the allotment for those costs (direct and indirect) associated with the administration of the funds.
15,659.00 [HOPWA]	<u>Housing Opportunities for Persons with AIDS (HOPWA) Administration</u> Represents 3% of the HOPWA entitlement grant. It is the allotment for those costs (direct and indirect) associated with the administration of the funds.
235,000.00	<u>General Admin-BURA Overhead</u> Funding allocation for those administrative non-salary costs, office supplies, printing, postage, etc, associated with the administration of the City's Annual Action and 5-Year Consolidated Plans.

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FROM THE MAYOR - EXECUTIVE DEPARTMENT

January 25, 2011

22

FROM THE OFFICE OF STRATEGIC PLANNING

2 (Rev. 1/93) MULTIPLE PAGE COMMUNICATION TO THE COMMON COUNCIL

23

TO: THE COMMON COUNCIL: DATE: January 25, 2011

FROM: DEPARTMENT: Strategic Planning

DIVISION: Real Estate

SUBJECT: Permission to Designate Redeveloper
Belmont Housing Resources of WNY
858 East Ferry Street

PRIOR COUNCIL REFERENCE: (IF ANY)

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

The Office of Strategic Planning, Division of Real Estate, has received a request from Belmont Housing Resources of WNY to acquire the property known as 858 East Ferry.

In 1992, the City of Buffalo acquired 858 E. Ferry through tax foreclosure. The property is a vacant former industrial site consisting of approximately 3.32 acres of land and is triangular in shape with with 514 feet of frontage along East Ferry Street. The property is zoned M-1 and is encumbered by an easement for the Scajaquada Creek Drain that cuts through the middle of the property. The Property was part of a recent Ten Million Dollar New York State Dept. of Environmental clean-up of this site and off-site properties. It is remediated for unrestricted use.

Belmont Housing Resources of WNY intends to construct a new 30 unit rental townhouse development. Total project costs are estimated at \$6.6 Million Dollars. Application for funding for the project will be through the Department of Housing and Community Revitalization. The application will be submitted in February 2011.

I therefore respectfully request that Your Honorable Body designate Belmont Housing Resources of WNY and or Housing Development Corporation, partnership, or other legal entity to be formed as Redeveloper of the subject property for a period of one (1) year subject to the following conditions:

- a. Submission by the Redeveloper of a detailed site plan for approval by the City of Buffalo Planning Board and construction plans, including landscaping, for approval by the City.
- b. Submission of a colored rendering of the property suitable for presentation to the City Common Council which shall be submitted prior to the Common Council approval of LDA.
- c. Submission by the Redeveloper of evidence of equity capital and mortgage financing necessary for the completion of the project which shall be submitted prior to closing.
- d. Payment of a designation fee of Two Hundred Fifty Dollars (\$250.00.00) per month by Redeveloper to the City, payable within five (5) days from the date of designation and due thereafter the first day of every month. In the event Redeveloper shall exercise its option to acquire said property pursuant to the Land Disposition Agreement (LDA) to be negotiated by Redeveloper and the City, said option fee shall be applied as a credit towards the purchase price. In the event Redeveloper shall not proceed with the redevelopment of the property within the designation period, Redeveloper shall forfeit all monies paid on account and the City shall retain all such monies.

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- e. Redeveloper is responsible for performing any soil borings and soil investigations, as per a license agreement to be granted by the City, for the purpose of determining, to developer's satisfaction, the suitability of the site for its intended use, and the presence or absence of hazardous substances as such term is used in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (C.E.R.C.L.A) 42 USC ss 9601 et seq.: The Hazardous Materials Transportation Act, as amended, 49 USC ss 1801 et seq.: The Resource Conservation and Recovery Act, as amended, 42 USC ss 6901 et seq.: Articles 15 and 27 of the New York State Environmental Conservation Law or any other federal, state, or local law, regulation, rule, ordinance, by-law, policy guidance, procedure, interpretation, decision, order, or directive, whether existing as of the date hereof, previously enforced or subsequently enacted.
- f. The successful negotiation of a Land Disposition Agreement for approval by the Common Council by no later than one (1) year from the date the Common Council approves the designation. The purchase price shall be negotiated based upon a real estate appraisal to be obtained and paid for by the purchaser.
- g. Upon signing of LDA, payment by the Redeveloper to the City of a non-refundable deposit, in the amount of ten percent (10%) of the agreed to selling price.
- h. Individuals and or corporations having outstanding taxes, water bills, parking tickets, user fee and/or demolition liens or any other liens owned to the City of Buffalo, or if code violations exist on any property owned by them they are ineligible for designation.

The City of Buffalo may terminate this designation should the Redeveloper fail to meet any of the deadlines set forth above. Should the City elect to terminate this designation on or before the end of the designation period for failure to meet a timely deadline, the City will first allow the Redeveloper two (2) weeks to cure by written notice.

This designation will expire one (1) year from the date the Common Council approves the designation.

I am requesting that your Honorable Body approve the designation of Belmont Housing Resources of WNY or housing development corporation to be formed as the Redeveloper of 858 E. Ferry upon the above terms and conditions; authorize the Executive Director of the Office of Strategic Planning to prepare the necessary agreements for the redevelopment of 858 E. Ferry, and forward to the Common Council for final approval of agreements for the transfer of title.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON JR.
DIRECTOR OF REAL ESTATE - OFFICE OF
STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JH/ms



25
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated January 25, 2011, be received and filed; and

That the Common Council approves the designation of Belmont Housing Resources of WNY or housing development corporation to be formed as the Redeveloper of 858 E. Ferry upon the above terms and conditions; and authorizes the Executive Director of the Office of Strategic Planning to prepare the necessary agreements for the redevelopment of 858 E. Ferry, and to forward to the Common Council for the final approval of agreements for the transfer of title.

Passed.

MR. PRIDGEN
ABSTAINED FROM

VOTE
26
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* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: January 18, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
1067 Genesee, 130.40' E Fillmore
Lot Size: 50' x 150'
Assessed Valuation: \$7,500.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. David Pawlik representing Creative Structures Services, 210 Summer Street, Buffalo, New York 14222 to purchase 1067 Genesee Street. They intend to acquire 1067 Genesee as an assemblage with an adjacent lot for retail store development.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

An independent appraisal of the property was conducted by Northeastern Appraisal Associates Commercial Inc. They have estimated the Fair Market Value of 1067 Genesee to be Eight Thousand Five Hundred (\$8,500.00). The City of Buffalo Appraisal Review Board reviewed the appraisal report and concurs with the Appraiser's estimate of value.

Mr. Pawlik has agreed and is prepared to pay Eight Thousand Five Hundred Dollars (\$8,500.00) for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 1067 Genesee to Creative Structures Services in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:
JPH:ck
Repsaleconcur1067genesee/re



27

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29
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated January 18, 2011, be received and filed; and

That the offer from Mr. David Pawlik representing Creative Structures Services, 210 Summer Street, in the sum of Eight Thousand and Five Hundred Dollars (\$8,500.00) for the purchase of 1067 Genesee, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

MR. FONTANA
2ND RUSSELL

PRIDGET
ABSTAIN
FROM
VOTE

30
31

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: January 11, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
59 Guilford, 563.42' N Broadway
Lot Size: 30' x 115'
Assessed Valuation: \$1,600.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Wayne Williams, 57 Guilford Street, Buffalo, New York 14212 to purchase 59 Guilford. Mr. Williams owns and resides at 57 Guilford, which is adjacent to 59 Guilford. He intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Sixty Cents (\$.60), per square foot.

Mr. Williams has agreed and is prepared to pay One Thousand Four Hundred Dollars (\$1,400.00), Forty Cents (\$.40) per square foot for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 59 Guilford to Mr. Wayne Williams in the amount of One Thousand Four Hundred Dollars (\$1,400.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Repsale59guilford/re



33
Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated January 11, 2011, be received and filed; and

That the offer from Mr. Wayne Williams, residing at 57 Guilford Street, in the sum of One Thousand and Four Hundred Dollars (\$1,400.00) for the purchase of 59 Guilford, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: January 12, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
166 Rother, 641.69' N Stanislaus
Lot Size: 30' x 97'
Assessed Valuation: \$1,500.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Mr. Muhammad Abdul Muiz, 274 Sobieski Street, Buffalo, New York 14211 to purchase 166 Rother. Mr. Muiz owns a two family house at 168 Rother, which is adjacent to 166 Rother. He intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Five Cents (\$.45) to Sixty Cents (\$.60), per square foot.

Mr. Muiz has agreed and is prepared to pay One Thousand Five Hundred Dollars (\$1,500.00), Fifty Cents (\$.50) per square foot for the subject property. He has also agreed to pay for the cost of the transfer tax and recording fees.


I am recommending that Your Honorable Body approve the sale of 166 Rother to Mr. Mohammad Abdul Muiz in the amount of One Thousand Five Hundred Dollars (\$1,500.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Repsale166rother/re



Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated January 12, 2011, be received and filed; and

That the offer from Mr. Muhammad Abdul Muiz, residing at 274 Sobieski Street, in the sum of One Thousand and Five Hundred Dollars (\$1,500.00) for the purchase of 166 Rother, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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37

#1 (Rev. 1/93) One Page Communication to the Common Council

TO: THE COMMON COUNCIL DATE: January 12, 2011

FROM: DEPARTMENT: Office of Strategic Planning

DIVISION: Real Estate

SUBJECT: Report of Sale
129 Stanton, 270' S Peckham
Lot Size: 30' x 105'
Assessed Valuation: \$1,700.00
(Fillmore District)

The Office of Strategic Planning, Division of Real Estate has received a request from Ms. Justine Thompson, 127 Stanton Street, Buffalo, New York 14206 to purchase 129 Stanton. Ms. Thompson owns and resides at 127 Stanton, which is adjacent to 129 Stanton. She intends to use the vacant lot for additional green space.

The Office of Strategic Planning Land Use Planning Committee, Division of Permit and Inspection Services and the Division of Collections have no objections to the sale. There are no building code violations, taxes or other liens owed to the City of Buffalo by the purchaser.

The Division of Real Estate has investigated the sale of similar lots in the subject area. Sales range from Forty Cents (\$.40) to Sixty Cents (\$.60), per square foot.

Ms. Thompson has agreed and is prepared to pay One Thousand Seven Hundred Dollars (\$1,700.00), Fifty Five Cents (\$.55) per square foot for the subject property. She has also agreed to pay for the cost of the transfer tax and recording fees.

I am recommending that Your Honorable Body approve the sale of 129 Stanton to Ms. Justine Thompson in the amount of One Thousand Seven Hundred Dollars (\$1,700.00). I am further recommending that the Office of Strategic Planning prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same.

DEPARTMENT HEAD NAME:
TITLE:

JOHN P. HANNON, JR.
DIRECTOR OF REAL ESTATE
OFFICE OF STRATEGIC PLANNING

SIGNATURE OF DEPARTMENT HEAD:

JPH:ck
Repsale129stanton/re



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39

Mr. Fontana moved:

That the above communication from the Office of Strategic Planning dated January 12, 2011, be received and filed; and

That the offer from Ms. Justine Thompson, residing at 127 Stanton Street, in the sum of One Thousand and Seven Hundred Dollars (\$1,700.00) for the purchase of 129 Stanton, be and hereby is accepted; and

That the transfer tax, recording fees and cost of legal description shall be paid by the purchaser; and

That the Office of Strategic Planning be authorized to prepare the necessary documents for the transfer of title and that the Mayor be authorized to execute the same, in accordance with the terms of sale upon which the offer was submitted.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
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FROM THE COMPTROLLER

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48

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: January 13, 2011

FROM: DEPARTMENT: Audit and Control

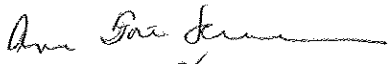

SUBJECT: [:Buffalo Municipal Water Finance Authority
[:Basic Financial Statements and Required
[:Supplementary Information as of and for the
[:Year Ended June 30, 2010

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

This is to advise that copies of the Audited Financial Statements and Other Financial Information of the Buffalo Water Finance Authority for the year ended June 30, 2010, and Report of Independent Auditors, Drescher & Malecki LLP, have been distributed to members of the Buffalo Municipal Water Finance Authority, the Buffalo Fiscal Stability Authority, the City Clerk, the Mayor, the Comptroller, the Division of Accounting and the Budget Office.

This report is available as a public record for inspection by all interested parties.

Pursuant to Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested persons.

SIGNATURE 
DEPARTMENT HEAD TITLE  Andrew A. SanFilippo
Comptroller

G:\CC WaterAuth

REFERRED TO THE COMMITTEE
ON FINANCE.

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14

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: January 13, 2011

FROM: DEPARTMENT: Audit and Control

SUBJECT: [Buffalo Water Board
[Basic Financial Statements and Required
[Supplementary Information as of and for the
[Year Ended June 30, 2010

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

This is to advise that copies of the Audited Financial Statements and Other Financial Information of the Buffalo Water Board for the year ended June 30, 2010, and Report of Independent Auditors, Drescher & Malecki, LLP, have been distributed to members of the Buffalo Water Board, the Buffalo Fiscal Stability Authority, the City Clerk, the Mayor, the Comptroller, the Division of Accounting and the Budget Office.

This report is available as a public record for inspection by all interested parties.

Pursuant to Section 35 of the General Municipal Law, the Common Council of the City of Buffalo may, at its discretion, prepare a written response to the report of external audit and file such response with the City Clerk as a public record for inspection by all interested persons.

SIGNATURE 
DEPARTMENT HEAD TITLE  Andrew A. SanFilippo

Comptroller

G:\CC WaterBd.doc

REFERRED TO THE COMMITTEE
ON FINANCE.

8

TO: THE COMMON COUNCIL DATE: January 20, 2011

FROM: THE DEPARTMENT OF
AUDIT & CONTROL

SUBJECT: In Rem 44 Auction Report

The City of Buffalo In Rem 44 Auction took place on October 25, 26 and 27, 2010 at the Buffalo Convention Center. Properties, lots and other parcels that were delinquent on Fiscal Year 2008-2009 city taxes and fees were auctioned. The auction number is sequential and increases each year. The winning bidder is absolved of all prior debts on the property acquired. However, any housing court issues related to the property become the responsibility of the new owner.

A property can be included on the In Rem 44 foreclosure list for one or more criteria:

- City of Buffalo Property Taxes in arrears
- User Fee Payments in arrears
- Water and Sewer Bills in arrears

Current property owners are notified that they will be included on the foreclosure list if arrears payments are not made current. A property owner can be removed from this foreclosure list as late as the day of the auction by:

- Becoming current on their arrears
- Arranging for a court order payment plan
- Entering bankruptcy protection

While we find the In Rem auction to be professionally run and organized, we offer this report to further inform the Council and general public about this annual event, and provide our observations and suggestions for future improvements where possible.

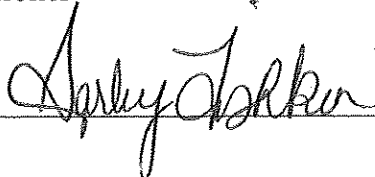
If you have any further questions on this matter, please feel free to contact the Department of Audit and Control.

DEPARTMENT HEAD: Andrew A. SanFilippo

TITLE: *R* Comptroller

REFERRED TO THE COMMITTEE
ON FINANCE.

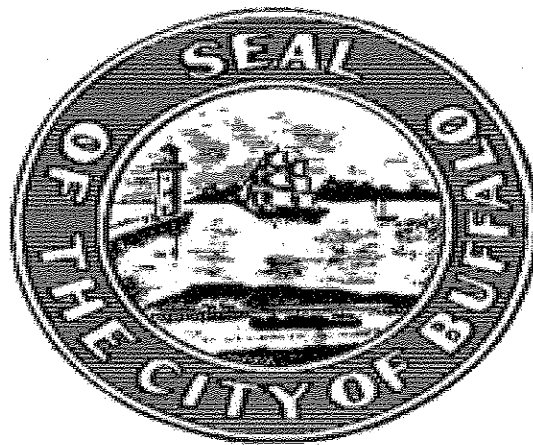
SIGNATURE:



47
CITY OF BUFFALO
DEPARTMENT OF AUDIT & CONTROL

IN REM 44 AUCTION REPORT
OCTOBER 25, 26, 27, 2010

ANDREW A. SANFILIPPO
COMPTROLLER



DARRYL McPHERSON
CITY AUDITOR

BACKGROUND INFORMATION

The City of Buffalo In Rem 44 Auction took place on October 25, 26 and 27, 2010 at the Buffalo Convention Center. Properties, lots and other parcels that were delinquent on Fiscal Year 2008-2009 city taxes and fees were auctioned. The auction number is sequential and increases each year. The winning bidder is absolved of all prior debts on the property acquired. However, any housing court issues related to the property become the responsibility of the new owner.

A property can be included on the In Rem 44 foreclosure list for one or more criteria:

- City of Buffalo Property Taxes in arrears
- User Fee Payments in arrears
- Water and Sewer Bills in arrears

Current property owners are notified that they will be included on the foreclosure list if arrears payments are not made current. A property owner can be removed from this foreclosure list as late as the day of the auction by:

- Becoming current on their arrears
- Arranging for a court order payment plan
- Entering bankruptcy protection

The primary scope of this audit report was the 2010 In Rem 44 financial information and auction results. For comparative purposes 2009 In Rem 43 auction proceeds are referenced.

All City of Buffalo In Rem Auctions involve a great deal of coordination among many City Departments. The Department of Assessment and Taxation is the lead department, identifying the properties for auction and setting the starting bid. The Treasury Division accepts, deposits and receipts all auction proceeds. The Director of the Treasury is the Auctioneer. The Division of Audit audits the validation of the winning bid amount and the receipt and recording of the payment. The Management Information Systems Department (MIS) manages the technical needs of the Auction through a contract with an outside vendor Algonquin Studios whose customized software known as SIRF (System In Rem Foreclosure) provides the infrastructure to manage the Auction. Algonquin technical support personnel are on site during the auction. The Law Department also has a representative present.

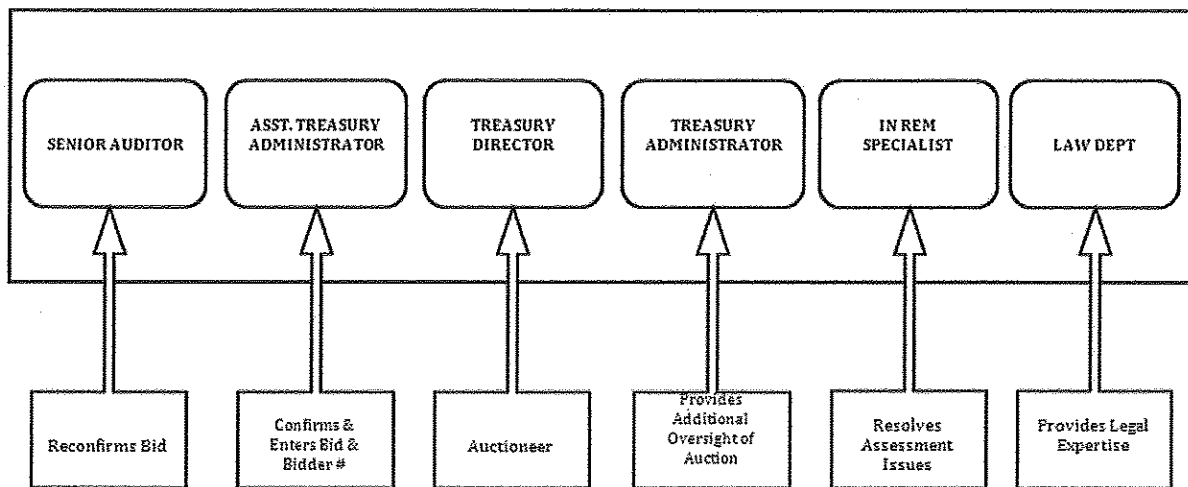
Other departments contributing manpower to the Auction include the Buffalo Sewer Authority, the Division of Accounting and the Department of Public Works, Parks and Streets.

Convention Center Auction Logistics

To participate in the auction, all bidders must register. There is no charge. Registration can be done in advance online or at the auction. All bidders sign in the day of the auction in the lobby of the Convention Center and receive a bid paddle with a number.

The main auction room is set up with an elevated auction table at the front of the room. The diagram below depicts the roles and responsibilities handled at the main auction table.

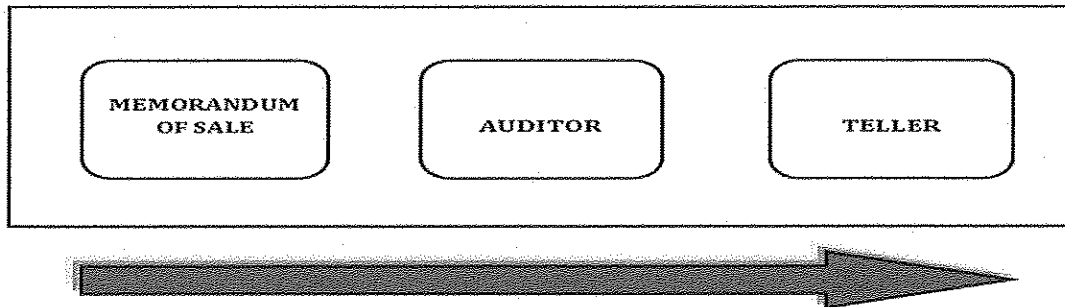
HEAD AUCTION TABLE



The Director of the Treasury as the auctioneer announces the property and opening bid. If there is a successful bidder, the Assistant Treasury Administrator enters the successful bidder paddle number and the final bid amount into the SIRF software on her laptop personal computer. The Senior Auditor confirms the bidder and the amount in the SIRF screen on his laptop personal computer. The successful bidder goes to a Payment area set up along the far side of the Auction Room.

The payment area was set up with four payment stations each staffed with a team of three individuals. The diagram below depicts the roles and responsibilities handled at a payment station.

IN REM PAY STATION



The Memorandum of Sale (MOS) person enters the bidder number in SIRF which displays the property successfully bid. The purchaser tells the MOS person the amount they will pay, e.g. minimum due 20% of the purchase price, full payment or an amount between the minimum and full payment. The MOS contract is printed in duplicate and the bidder/purchaser signs both copies. The Auditor is given the signed Memorandum of Sale which is reviewed for the amount to be paid. The MOS is given to the Treasury Teller who takes the payment from the purchaser, records the receipt in SIRF, stamps the MOS as paid, retains one copy and returns one copy to the Purchaser as a receipt. Each teller has an open cash drawer where the cash is kept. As the day progresses the teller bundles the cash and balances to the SIRF total. At the end of each day the tellers balance their total receipts. The auditors monitor the teller's revenue reconciliation. A bank deposit slip is filled out by the Teller and the money is placed in a deposit bag in the possession of a Treasury Administrator. The deposit is brought to the Treasury Teller Room in City Hall by the Treasury Administrator under police escort. The deposit is then picked up by armed guards and deposited into the M&T Clearing Account.

Initial Auction Totals 2010 versus 2009

	2010	2009	Variance	
	InRem 44	InRem 43	Amount	%
Winning Bid Totals	\$5,993,100	\$4,570,400	\$1,422,700	31%
Number of Successful Bids	1,039	826	213	26%
Number of Properties Auctioned	1,914	3,304	(1,390)	-42%
% of Properties Successfully Bid ¹	54%	25%		
Average Bid Amount	\$5,768	\$5,533	\$235	4%

¹ Successfully Bid, Closing is then contingent on Complete Payment

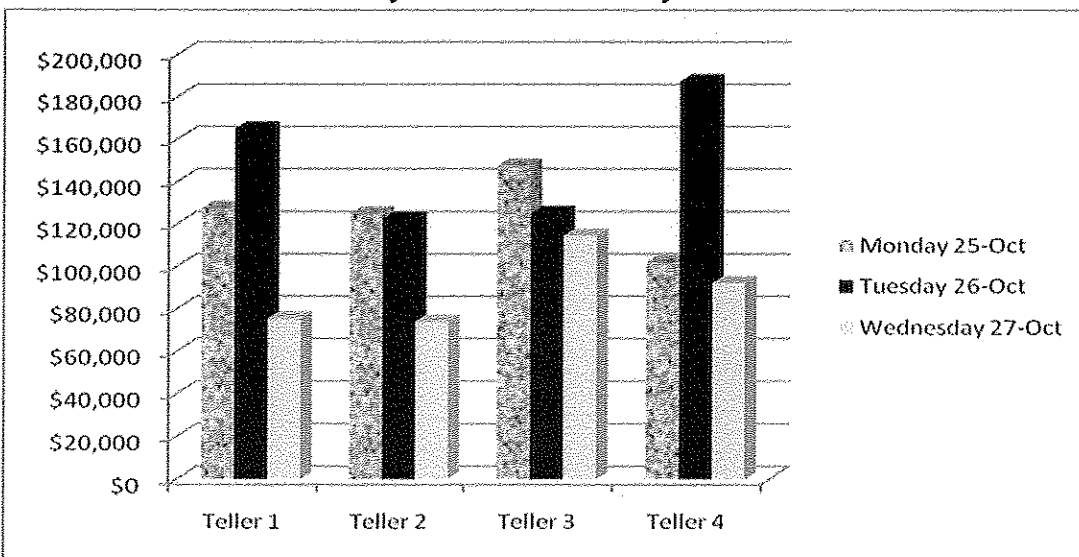
Based on prior year's experience, a certain percentage of the bids will not close. Buyers may opt not to complete the purchase or previous owners may obtain last minute bankruptcy protection. Of the 826 properties successfully bid in the 2009 In Rem 43 Auction, 84% actually closed; this equated to \$3.9 million of the original \$4.6 million bid. Proceeds from the auction are applied to past due amounts owed to the City and the County. If the bid amount exceeds the amount owed the surplus is turned over to the Erie County Comptroller for a period of 5 years. During the 5 year period, lien holders may petition for money owed to them. Subsequent to the 5 year period, any remaining funds are turned over to the State of New York. During fiscal year 2010 the City of Buffalo remitted \$1.4 million to the County related to surplus In Rem 43 funds.

Proceeds from In Rem 44 The total amount paid on auctioned properties during the 3 day period totaled \$1,457,765. This amount is broken down into \$1,446,790 for foreclosure fees and \$10,975 for filing fees. A remaining balance of \$4,535,335 was pending at the conclusion of the auction on the 1039 properties purchased during the auction. Bidders had until December 18, 2010 to pay any remaining balance.

Auction Proceeds During Auction

	Mon 25-Oct	Tues 26-Oct	Wed 27-Oct	Total
Teller 1	127,380	164,985	75,355	367,720
Teller 2	124,825	122,580	74,000	321,405
Teller 3	147,570	125,210	114,520	387,300
Teller 4	101,825	187,310	92,205	381,340
Totals	\$501,600	\$600,085	\$356,080	\$1,457,765

Auction Day Proceeds Processed by Each Teller



58

- **Revenue received from selling In Rem 44 property listing**

Auction participants who wish to purchase an up to date list of the properties which will be offered are required to pay a \$5.00 fee for this information. Most lists are purchased at registration. The amount of money taken in during the three day auction is directly deposited into the foreclosure fee account. Based upon the amount of money that was deposited into the Treasury from the sales of these lists, \$6,565 was verified by auditors in the MUNIS system. This equates to approximately 1,313 foreclosure listings sold at the \$5 price.

A \$265 invoice showed 500 lists were printed in the Print Shop. Auditors were told the remaining lists were printed on copiers in the Assessment Department. To aid in the internal control of this revenue, we recommend some controls be implemented to track the quantity of lists printed and the associated revenue. In this manner, matching items sold to revenue would be greatly enhanced.

- **Number of paddles not returned at the end of the three day auction.**

When an individual registers at the auction they are assigned a bidding paddle. They sign a form stating that it must be returned by the end of the auction or they will be charged \$20 for any non-returns. When we followed up on how many paddles were not returned, we were told by the Department of Assessment and Taxation that they were first going to make phone calls to the people who had not returned the paddle. If there was no response to return the paddle, an invoice would be sent to the individual's home for the \$20 fee. We feel that a small deposit fee would encourage customers to return paddles at the end of each auction day.

Auditor Observations and Recommendations regarding In Rem Auction 44.

- First day setup of computers at Memorandum of Sale table was delayed nearly one and a half hours after the auction started due to dual use in registering bidders in the lobby. A cost benefit analysis of renting additional computers to eliminate sharing should be done.
- The police presence should be strategically placed to create a stronger sense of security. Positioning the police near the entrance, the auction table and the In Rem pay station would heighten the notion that the proceeding is being monitored and reduce the likelihood of unruly disturbances.
- A General Information booth should be centrally located at the auction. This could be a place where all departments related to auction activity could be available to answer the many questions that arise throughout the day.
- Preregistered bidders should be able to enter the auction at an express table, thereby reducing the crowd of bidders at registration.

- 53
- The final sale area could use more than one omnipresent manager to direct traffic, address bidder concerns and otherwise be available to handle issues not directly involved with individual sale transactions. Treasury positioned an assistant administrator in this role during the auction. An additional person would be helpful.
 - Signage directing bidders where to go for specific inquiries should be used throughout the Convention Center. Signs at the auction were either waist level, hand-made or not present at key locations for the auction.
 - The identification process at registration is very time consuming along with the number of forms that must be signed by bid participants. Information scanning should be explored which could be uploaded into the SIRF software, thereby decreasing misspellings and input errors.
 - During the auction, personnel at the Memorandum of Sale position were not consistent in the directions given to buyers on what lines should be signed on the MOS.
 - Winning bidders who declare they made a mistake on being the winning bid should be disqualified from bidding if they repeat the mistake twice during the course of the auction. One error in bidding is entirely plausible, but numerous times during the auction could lead to a bid scam of a property hoping to get the property for far less with the help of another bidder.
 - Cell phone usage at payment table should be contained. Customers should be asked to move out of line until they are ready to complete the transaction of purchasing the property. Too many distractions lead to errors and causes delays in the payment process.

Conclusion with Recommendations

In Rem Auction 44 proved to be one of the busiest auctions in recent history. A total of 1039 parcels were sold clearly outpacing In Rem 43 by 26 %. Close to 50% of the properties and lots up for auction in 2010 were bid successfully. Consequently, auction commitments grew close to the six million dollar mark. Beautiful weather, the economic climate, low interest mortgage rates and individuals searching for bargains may have led to these record totals.

The Audit focus going into the auction was how revenue payments were monitored for accuracy. The SIRF (System In Rem Foreclosure) software enables an accurate and reliable record of the sale. It should be noted there were no Teller Shortages during the course of the auction, an excellent accomplishment.

Another cash item of Audit interest was the sale of City of Buffalo In Rem 44 property listings for \$5.00. Next year we feel that an opening inventory and closing inventory of these lists be verified by an auditor at the beginning and ending of each auction day. This would

54
provide a more accurate number of items sold and revenue received. A separate table could be set up to sell these lists to potential bidders without causing delays at the registration table.

We also feel the police presence should be enhanced. The sense of security would increase if an officer was posted at the entrance of the auction site and another armed officer was positioned behind the Tellers. Convention Center doors directly behind the Tellers should be securely closed.

Signage with clear directions along with an Information Booth manned by knowledgeable City department staff would be beneficial. A FAQ (frequently asked questions) handout should also be developed to inform potential bidders about the auction experience. This would definitely help quiet the hectic front auctioneer table.

We feel the other suggestions and observations mentioned earlier in this report could add positive results for auctions going forward. Overall the auction process has advanced significantly from its infancy and progressed to become an effective and professional operation. These suggestions are meant only to enhance the auction experience into the future.

00011

TO: THE COMMON COUNCIL

DATE: January 21, 2011

FROM: THE DEPARTMENT OF
AUDIT & CONTROL

SUBJECT: Implementing Use of
Automated Funds Transfer
Program for the Payment of
City Bills
Item No. 76, C.C.P., 01/11/2011

In response to the Resolution "Implementing the Use of an Automated Funds Transfer Program for the Payment of City Bills," I have met with various parties involved and recommend the following:

The City of Buffalo currently has an option on the City website, www.city-buffalo.com, to pay City fees, bills and taxes online with a Visa, Mastercard, Debit card or by directly debiting the payer's bank account, but no option to set up a schedule of future payments from a designated bank account or credit card.

I have been informed by the Management Information Systems (MIS) Department that it is possible, and relatively simple, to set up a system in which the payer can schedule automatic future payments, and receive e-bills instead of paper bills. There is no Charter requirement preventing the City from offering such a system, and it is in fact in place in many other municipalities.

Because of these factors, I support this process, and considering the minimal cost to the City to implement the auto-pay system, the convenience for City residents, and the savings incurred by the City in less postage and paper expense, I suggest that all parties necessary in developing the technology and policy meet and form a plan of action, including a cost benefit analysis, as soon as possible, to be examined and approved by the Common Council, the Administration, and my office.

If you have any further questions on this matter, please feel free to contact the Department of Audit and Control.

DEPARTMENT HEAD: Andrew A. SanFilippo

TITLE: Comptroller

SIGNATURE:



REFERRED TO THE COMMITTEE
ON FINANCE.

FIN

GA

RF

92

FROM THE COMMISSIONER OF MANAGEMENT INFORMATION SYSTEMS

January 25, 2011

00012

51

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 01/14/2011

FROM: DEPARTMENT: Management Information Systems

SUBJECT: [Implementing use of an automated fund transfer
[program for the payment of city bills
[
[

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Item No. 76 CCP January 11, 2011

City of Buffalo currently has the technology and process in place for on demand transfer of funds for paying city bills. Department of Management Information Systems will work with Division of Treasury, Department of Assessment & Taxation, Division of User Fee & Collection and Water Board to extend the current process to allow citizens to opt for automated payment of bills on the appropriate due date and also receive electronic notification of all correspondence related to city bills.

SIGNATURE 
DEPARTMENT HEAD TITLE : Raj Mehta, Director

REFERRED TO THE COMMITTEE
ON FINANCE.

10

00013

58

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 01/14/2011

FROM: DEPARTMENT: Management Information Systems

SUBJECT: [:Real Time Transparency in the City of Buffalo through
[:live streaming
[:
[:

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Item No. 77 CCP January 11, 2011

Department of Management Information System staff is aggressively working with Common Council Staff and Division of Telecommunication in acquiring the necessary technology and subscription to enable live streaming.

SIGNATURE 
DEPARTMENT HEAD TITLE : Raj Mehta, Director

REFERRED TO THE COMMITTEE
ON FINANCE.

10A
TCF

FROM THE COMMISSIONER OF PUBLIC WORKS, PARKS AND STREETS

January 25, 2011

00014

#1 (Rev. 1/93) SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: January 19, 2010

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: WATER

SUBJECT: [: Permission to engage services of Consulting Engineer
[: for the Rehabilitation of Waterline Insulation, Leak
[: Repairs, and Waterline Replacement over Kensington
[: Expressway
[: Masten

PRIOR COUNCIL REFERENCE: (IF ANY) [: Item 23 of 12/23/08

Ex. (Item No. xxx, C.C.P. xx/xx/xx)

TEXT: (TYPE SINGLE SPACE BELOW)

I respectfully request that Your Honorable Body authorize the Department of Public Works, Parks and Streets to grant permission to hire a consultant to provide design, bid, and construction phase services for the rehabilitation of waterline insulation, leak repairs, and waterline replacement over the Kensington Expressway and miscellaneous construction phase services.

The costs for consulting services are estimated not to exceed \$150,000.00 and the construction cost is estimated to be \$1,000,000.00. The funds are available in Division of Water account(s) 53210716 445100, 53200696 445100, 53023517 473020, and 53220736 445100.

This was previously approved, however account number 53220736 445100 was added due to funding.

PJM:cmg

TYPE DEPARTMENT HEAD NAME: Peter J. Merlo, P.E., City Engineer FOR

TYPE TITLE: Steven J. Stepniak, Commissioner of Public Works, Parks & Streets

SIGNATURE OF DEPARTMENT HEAD:



61

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 19, 2011 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to hire a consultant to provide design, bid and construction phase services for the rehabilitation of waterline insulation, leak repairs, and waterline replacement over the Kensington Expressway and miscellaneous construction phase services. Funds for this project are available in Division of Water account(s) 53210716 445100, 53200696 445100, 53023517 473020 and 53220736 445100.

Passed.

62

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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#1 (Rev. 1/93)

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL

DATE: January 19, 2011

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Engineering

SUBJECT: [: Release of Retention
 [: Contract No. 92010987
 [: Energy Performance – Traffic Signals
 [:

PRIOR COUNCIL REFERENCE: (IF ANY) [:

I hereby submit to Your Honorable Body the following request to release retention for the subject contract.

The contractor has completed the traffic signal portion of the project for which retention has been held.

It is respectfully requested that Your Honorable Body authorize a release of retention for Wendel Energy Services, Contract No. 92010987.

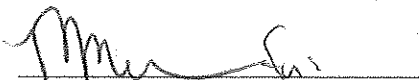
SJS/PJM/EDS

CC: Comptroller
William Heinold

TYPE DEPARTMENT HEAD NAME: Steven J. Stepniak

TYPE TITLE: Commissioner

SIGNATURE OF DEPARTMENT HEAD:



64
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 19, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets be, and he hereby is authorized to release the retention for Wendel Energy Services, Contract No. 92010987 for Energy Performance – Traffic Signals.

Passed

1 2

TAB:rmv

65

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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TO: THE COMMON COUNCIL

DATE: January 18, 2011 00016

66

FROM: DEPARTMENT: Public Works, Parks & Streets

DIVISION: Buildings

SUBJECT: [: Report of Bids
 [: Polonia Hall
 [: Roof Reconstruction
 [: Job #1049
 [: Fillmore District

PRIOR COUNCIL REFERENCE: (IF ANY) [:
(EX.: Item No. CCP)


TEXT:

I advertised for on December 7, 2010, and received the following formal sealed bids for Polonia Hall, Roof Reconstruction, which were publicly opened and read on December 28, 2010.

Weaver Metal & Roofing	\$163,665.00
40 Appenheimer, Buffalo, NY	
Progressive Roofing	\$166,000.00
331 Grote, Buffalo, NY	
Jos. A. Sanders & Sons	\$178,341.00
P O Box 814, Buffalo, NY	
Grove Roofing	\$213,500.00
131 Reading, Buffalo, NY	
Jameson Roofing	\$245,645.00
3761 E Lake Rd, Dunkirk, NY	

I hereby certify that the foregoing is a true and correct statement of all bids received and that Weaver Metal & Roofing with a bid price of One Hundred Sixty Three Thousand Six Hundred Sixty Five and 00/100 Dollars (\$163,665.00) is the lowest responsible bidder in accordance with the plans and specifications.

I recommend that Your Honorable Body authorize the Commissioner of Public Parks, Parks & Streets to order on the basis of the lowest responsible bid. Funding for this project is available in 33320606 445100 - Buildings.


SJS/PJM/DDC/dlg
cc: Contract Compliance Office
J. Schollard, Buildings
J. Jacobs, Buildings

Department Head Name: Peter J. Merlo, P.E.

Title: City Engineer

Signature of Department Head: 

13

67

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 18, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets, be, and he hereby is authorized to award a contract for Polonia Hall, Roof Reconstruction to Weaver Metal & Roofing, the lowest responsible bidder, in the amount of \$163,665.00. Funds for the project are available in 33320606 445100 - Buildings.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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00017
CITY OF BUFFALO
DEPARTMENT OF
PUBLIC WORKS, PARKS & STREETS



BYRON W. BROWN
MAYOR

STEVEN J. STEPNIAK
COMMISSIONER
PETER J. MERLO, P.E.
CITY ENGINEER

Maddie's Pet Rescue Project

January 10, 2011

City of Buffalo Common Council
65 Niagara Square
Buffalo, NY 14202

Dear Honorable Common Council Members:

The City Animal Shelter is a project partner of Maddie's Pet Rescue Project, which is a family foundation established in 1999 to help fund the creation of a no-kill nation where all healthy and treatable shelter dogs and cats are guaranteed a loving home. Since its inception, Maddie's Fund has awarded animal welfare organizations and universities more than \$84.7 million to save animal lives.

The City Animal Shelter has just received our subsidy funds for year one of the Maddie's Pet Rescue Project in the amount of \$15,150.00. The Shelter has also received a bonus check for \$5,400.00 for surpassing its adoption goal for year one. The money is meant to be used towards shelter growth and to promote the shelter by advertising for foster homes, adoption events, purchasing new equipment, attending workshops, and so on. It is also meant to be used towards veterinary expenses.

I am requesting the Common Council's approval of the acceptance of these funds.

Thank you for your time.

Sincerely,

Kelly McCartney

Kelly McCartney
Director of Animal Control

cc Steve Stepniak, Commissioner of Public Works
Paul Sullivan, Director of Streets

FILED
CITY CLERK
2011 JAN 11 PM 2:36
14

Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 10, 2011 be received and filed; and

That the Commissioner of Public Works, Parks & Streets be, and he hereby is authorized to accept on behalf of the City Animal Shelter the amount of \$15,150.00 fund for year one of the Maddie's Pet Rescue Project and a bonus check for \$5,400.00.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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00018

18

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: 1/20/11
FROM: DEPARTMENT: Public Works/Streets
SUBJECT: [:Request to Purchase Vehicle
[:
[:
[:

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

Purchase & Deliver (1) Chevy 2010 Silverado Pick up Truck from
State Bid Contract for Division of Buildings.

This is not to be a "Take Home Vehicle"

TOTAL \$ 28,010.06

Funds to come out of
33310106-445100

This is not to be a "Take Home" Vehicle.

SIGNATURE



DEPARTMENT HEAD TITLE :

COMMISSIONER OF PUBLIC WORKS

SJS/PJM/CMB

15

73
Mr. Fontana moved:

That the above communication from the Commissioner of Public Works, Parks and Streets dated January 20, 2011, be received and filed; and

That the Commissioner of Public Works, Parks and Streets and Director of Purchase, be, and they hereby are authorized to purchase the above listed vehicle in the amount of \$28,010.06 upon the condition that there be no increase in the number of vehicles designated as authorized for take-home use. Funds for the purchase are available in account 33310106-445100.

Passed.

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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75

FROM THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PERMIT &
INSPECTION SERVICES

January 25, 2011

00019

MEETING SCHEDULE 16
BOARD OF PLUMBERS



CITY OF BUFFALO

DEPARTMENT OF PERMIT & INSPECTION SERVICES

Byron W. Brown, *Mayor*

James Comerford, *Commissioner*

The following is the meeting schedule for the Examining Board of Plumbers in 2011. All meetings to be held at 4:30 p.m. in rm. 325

- 1) Jan. 11th
- 2) Feb. 8th
- 3) March 15th
- 4) April 12th
- 5) May 17th
- 6) June 2nd

Summer recess

- 7) Sept. 13th
- 8) Oct. 11th
- 9) Nov. 8th
- 10) Dec. 10th

Journeyman exams will be given in Rm. 312 on the following days:

- 1) March 10th
- 2) Oct. 20th

OFFICE OF NEW CONSTRUCTION / MECHANICAL INSPECTIONS

65 Niagara Square, Room 312 City Hall • Buffalo, New York 14202-3303

Phone: 716-851-5067 • Fax: 716-851-5506

RECEIVED AND FILED

16

To: The Common Council:

Date: December 30, 2010

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: **Second Hand Dealer**
[: **561 Delaware (Ellicott)**| Type in Upper and |
| Lower Case Only |[:
[:Prior Council Reference: (If Any) [:
Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances please be advised that I have examined the attached application for a **Second Hand Dealer License** located at **561 Delaware Ave** and find that as to form is correct. I have caused an investigation into the premises for which said application for a second hand dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Harold Richardson. The attached thereto for Harold Richardson d/b/a/Harold's Curiosity Shoppe. This request is submitted for your approval or whatever action you deem appropriate.

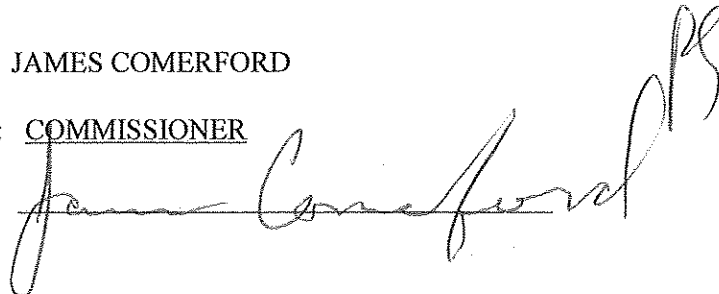
REFERRED TO THE COMMITTEE
ON LEGISLATION.

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:

JC:PS:jd

A handwritten signature in cursive script, appearing to read "James Comerford", is written over a horizontal line. To the right of the signature, the letters "PS" are handwritten.


17

Interdepartmental Memo

Date: December 30, 2010
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Second Hand Dealer** at **561 Delaware**

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Second Hand Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: HAROLD'S CURIOSITY SHOPPE

LICENSE TYPE: SECOND HAND DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 561 DELAWARE

BUSINESS PHONE: -

COUNCIL DISTRICT: UN

POLICE DISTRICT: 00

APPLICANT NAME: HAROLD RICHARDSON

APPL. PHONE: 716-8564

APPLICATION NUMBER: 560547

REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12/30/10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

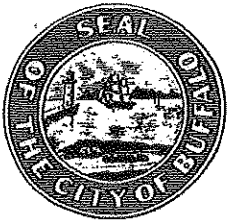
REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: Store owner must keep rear exits clear

INSPECTOR V. B... RM# 313 EXT 4900

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: KEVIN FITZGERALD

APPLICATION FOR: HAROLD'S CURIOSITY SHOPPE

LICENSE TYPE: SECOND HAND DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 561 DELAWARE

BUSINESS PHONE: -

COUNCIL DISTRICT: UN

POLICE DISTRICT: 00

APPLICANT NAME: HAROLD RICHARDSON

APPL. PHONE: 716-8564

APPLICATION NUMBER: 560547

REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12/30/10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

This use is permitted in a C1 district

INSPECTOR

V. Budzinski

RM#

313

EXT

4900

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: HAROLD'S CURIOSITY SHOPPE

LICENSE TYPE: SECOND HAND DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 561 DELAWARE
BUSINESS PHONE: -
COUNCIL DISTRICT: UN
POLICE DISTRICT: 00
APPLICANT NAME: HAROLD RICHARDSON
APPL. PHONE: 716-8564
APPLICATION NUMBER: 560547
REFERRAL DATE:

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 12-29-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

[Signature]

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

8r

B

CITY OF BUFFALO
OFFICE OF LICENSES
313 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: HAROLDS CURIOSITY SHOPPE

LICENSE TYPE: SECOND HAND DEALER

OTS

NEW LICENSE 2011

BUSINESS ADDRESS: 561 Delaware
BUSINESS PHONE: (716) 362-2552
COUNCIL DISTRICT: UN
POLICE DISTRICT: 00
APPLICANT NAME: HAROLD RICHARDSON
APPL. PHONE: (716) 856-4369
APPLICATION NUMBER: 544373
REFERRAL DATE: 08/14/2006

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE:

8/18/08

DISAPPROVED

DATE:

REMARKS:

oh

DISTRICT CAPTAIN:

M. Manzella

APPROVED

DATE:

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

Dpc [Signature]

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM *BUFFALO POLICE DEPARTMENT*

TO BE MAILED TO:

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

#58149

2010 DE -6 AM 11:23

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: Harold J. Richardson /MAIDEN NAME _____
SEX MALE RACE AFRICAN AMERICAN
CURRENT ADDRESS: 513 MASTON AVE. BUFFALO 14209
DATE OF BIRTH: 12/1/10
SOCIAL SECURITY # _____
REASON FOR REQUEST FOR BUSINESS LICENSE SHD

X SIGNATURE OF APPLICANT

X DATE

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

On the 6th day of December, 20 10, before me personally appeared

Harold James Richardson, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

Ric L. Thanda comm. exp 12/31/10
Notary Public / Commissioner of Deeds

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☒ RECORD ATTACHED

☐ NO RECORD ON FILE

VERIFIED BY:

DATE VERIFIED

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

84

**BUFFALO POLICE DEPARTMENT
CRIMINAL INVESTIGATION REPORT**

DATE OF INQUIRY: **12/06/2010 11:22:0**

THE FOLLOWING REPORT IS NOT BASED ON FINGERPRINT IDENTIFICATION AND INCLUDES ONLY ERIE COUNTY ARRESTS.

NAME: **RICHARDSON, HAROLD J** DATE OF BIRTH: RACE: **Black** SEX: **M**
ADDRESS: **391 WASHINGTON ST BUF, NY 14202 BUF, NY 14202**
SOCIAL SECURITY #: PCN: **07183528** NYSID:

BOOKING/ALIAS NAMES:

RICHARDSON, HAROLD J

WARRANT/WANT INQUIRY - REFER TO

WARRANT #:

THIS REPORT DOES NOT INCLUDE ANY SEALED OR JUVENILE ARRESTS.

USE OF THIS INFORMATION IS REGULATED BY LAW.

THE INFORMATION SUPPLIED HEREWITH IS A SUMMARY OF INFORMATION RECEIVED FROM LAW ENFORCEMENT AGENCIES WITHIN ERIE COUNTY.

ARREST DATE	REFERENCING AGENCY
CHARGE	DISPOSITION
11/07/1997	BUFFALO POLICE DEPARTMENT
CO 69/69 02	REFER TO: BUFFALO POLICE DEPARTMENT
CO 69/69 01	REFER TO: BUFFALO POLICE DEPARTMENT
PL 220.03	REFER TO: BUFFALO POLICE DEPARTMENT

2010 DE -6 AM 11:23
BUFFALO POLICE
DEPARTMENT

NOTE: SECONDARY DISSEMINATION OF THIS INFORMATION IS PROHIBITED.
IF UPDATED INFORMATION IS NEEDED, A NEW INQUIRY SHOULD BE MADE.

343 3444 3444
BUFFALO, NEW YORK 14202
851-4078

LICENSE APPLICATION

APPLICATION MUST BE COMPLETED IN FULL
PHOTO ID REQUIRED AT TIME OF APPLICATION
NO EXCEPTIONS

(PLEASE CHECK LICENSE CATEGORY APPLYING FOR)

☐ USED CAR DEALER ☒ SECONDHAND DEALER ☐ SCRAP PROCESSOR
☐ GARAGE SALE ☐ WHOLESALE JUNK ☐ PAWNBROKER
☐ FLEA MARKET (NO. OF VENDORS _____)

DATE 8/1/06

APPLICANT NAME HAROLD J. Richardson APPLICANT HOME PHONE # 716-362-2552 (856-4369)
APPLICANT ADDRESS 25 Burnie Lane Buffalo N.Y. 14205
(NO. STREET) (CITY/TOWN OR VILLAGE) (STATE) (ZIP)

CO-APPLICANT NAME _____ CO-APPLICANT HOME PHONE # _____
CO-APPLICANT ADDRESS _____
(NO. STREET) (CITY/TOWN OR VILLAGE) (STATE) (ZIP)

CORPORATION NAME _____ DATE INCORPORATED _____

BUSINESS NAME HAROLD'S Curiosity Shoppe

BUSINESS ADDRESS 561 Delaware Buffalo N.Y. 14202

BUSINESS PHONE 716-362-2552 FAX# _____ APPLICANT HOME PHONE 716-856-4369

STATE TAX ID NUMBER 139401924SS

DATE OF BIRTH 7/1/47 PLACE OF BIRTH Newark N.J. ARE YOU A U.S. CITIZEN yes

HAVE YOU EVER BEEN CONVICTED OF A CRIME? yes

IF, SO STATE WHEN, WHERE, NATURE OF OFFENSE AND DISPOSITION A little over 10 yrs ago I slipped and abused drugs, '07 caught in crack house, got sentenced to time in jail served 1 yr was released a Wendy work release, and since then been clean and sober going on 9 yrs.

LIST PRINCIPAL OFFICERS OF CORPORATION (IF APPLICABLE)

(NAME) _____	(ADDRESS) _____	(NAME) _____	(ADDRESS) _____
(NAME) _____	(ADDRESS) _____	(NAME) _____	(ADDRESS) _____
(NAME) _____	(ADDRESS) _____	(NAME) _____	(ADDRESS) _____

(PAWNBROKER ONLY) GIVE SCHEDULE OF RATES PROPOSED TO BE CHARGED _____

Subscribed and sworn to before me this 8
Day of Aug, 2006

Commissioner of Deeds for and for the
City of Buffalo, New York

Harold J. Richardson
Applicant Signature

T & A
DEPOSIT
NO. 13066
CASH

NON REFUNDABLE APPLICATION FEE

00021

To: The Common Council:

Date: January 5, 2011

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Used Car Dealer
[: 50 Sycamore (Ellicott)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at **50 Sycamore**. and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Bennie Caudle. The attached thereto for Bennie Caudle dba/ Ben's Tire Center Inc. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

JC:PS:jad

REFERRED TO THE COMMITTEE
ON LEGISLATION.


18

Interdepartmental Memo

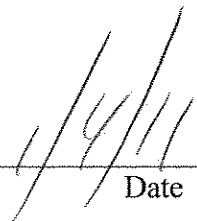
Date: January 5, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication Used Car Dealer at 50 Sycamore

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Used Car Dealer License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER 085

NEW LICENSE 2011

BUSINESS ADDRESS: 50 SYCAMORE

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559502

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 8-21-10

DISAPPROVED

DATE:

REMARKS:

DISTRICT CAPTAIN: William P. Blake WMP Blake

APPROVED

DATE:

DISAPPROVED

DATE:

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS:

COMM. OF POLICE:

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM

57183

TO BE MAILED TO:

2010 AUG 13 PM 2:07

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: BEN CAUDLE /MAIDEN NAME _____
SEX M RACE BLK
CURRENT ADDRESS: 100 RANCH TRAIL WILLIAMSVILLE, NY 14221
DATE OF BIRTH: _____
SOCIAL SECURITY # _____
REASON FOR REQUEST CITY OF BUFFALO LICENSE

SECRET PROCESSOR / WHOLESALE JUNK LICENSE
My Commission Expires November 26, 2008
Notary Public, State of New York
Qualified in Erie County
SIGNATURE OF APPLICANT Benjamin M. Caudle
DATE FEB 18, 2010
STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2010

On the 18th day of FEBRUARY, 2010, before me personally appeared

BEN CAUDLE, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

[Signature]
Notary Public / Commissioner of Deeds

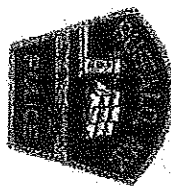
***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****
☒ RECORD ATTACHED
☐ NO RECORD ON FILE
VERIFIED BY: St. Rose M. Porczynski
DATE VERIFIED: 8/13/10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

* See also Ankerst

2010 AU 13 PM 2:07

DEPARTMENT



BUFFALO POLICE DEPARTMENT RAP SHEET

Report Date: 08/13/2010 14:03
Report Printed By: BORCZYNSKI, ROSE
Page: 1 of 1

RICI #: 00371838

NYSID #: 01608796-L

FBI #: 133504N11

Master Name: CAUDLE, BENNIE

Master DOB: [REDACTED]

Current Age: 70

Most Recent Address: 224 BLAINE AV, BUFFALO NY 14211 US

Sex: Male

Race: Black

Ethnicity: Unknown

Note: The Charge dispositions show in bold below the original charge.

Arrest Date	Incident #	Booking Name First Alias	Charges
01/09/1974 74-05665-99 (A)	BUF 74-0005588	CAUDLE, BENNIE CAUDLE, BEN	Cis Law Section Sub At CI Cat Deg NCIC Description 1 PL 155.40 N N 0

* Not based on Fingerprints

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 02100611

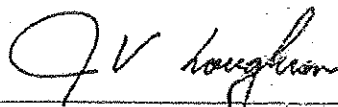
Date of Arrest: 10/12/2002
Disposition Date: 04/01/2003
Adjudication Date: 04/01/2003
Sentence Date: / /

DOB: 12/11/1965
JC501 no: 56235039M
NYSID no: 1608796L

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1192 03	VTL 1192 03	LN974032 3 OP MV INTOX 2ND	INDICTED	0.00	0.00	0.00
VTL 1192 02	VTL 1192 02	LN974032 3 OP MV ILL % ALC	INDICTED	0.00	0.00	0.00
VTL 0512	VTL 0512	LP643739 5 Oper suspend regist	INDICTED	0.00	0.00	0.00
VTL 1128 0A	VTL 1128 0A	LP643737 3 Unsafe lane move	INDICTED	0.00	0.00	0.00
VTL 0319 01	VTL 0319 01	LP643738 4 Uninsured M/V	INDICTED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 1st day of September 2010



James V. Loughran, Court Administrator
For: Hon. Mark G. Farrell

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

91

Copies: ____ Court, ____ Defendant, ____ Agency, ____ DA

92

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 01030055

Date of Birth: / /
Date of Arrest: 02/26/2001
Disposition Date: 05/03/2001
Adjudication Date: / /

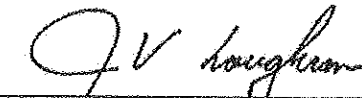
Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1110-A	VTL 1110-A	LL746518 3 FLD OBEY TRF DEV	DISMISSED	0.00	0.00	0.00
VTL 1192-3	VTL 1192-3	LL746517 2 D.W.I.	LIC RVK FINE	500.00	0.00	125.00
VTL 1192-2	VTL 1192-2	LL746517 2 D.W.I.	DISMISSED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

ARRESTING OFFICER PERSONS, C

MOTORIST ID#C0174955224027

Dated: The 9th day of January 2008



James V. Loughran

For: Hon. Geoffrey K. Klein

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 50 SYCAMORE

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559502

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED

10

APPROVED

DATE: 8-17-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR

[Signature]

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 50 SYCAMORE

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559502

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO.OF VEHICLES ALLOWED _____

APPROVED

DATE: 1-3-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR _____

RM#

EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER NEW LICENSE 2011
BUSINESS ADDRESS: 50 SYCAMORE
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559502
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO.OF VEHICLES ALLOWED _____

APPROVED

DATE: 1-3-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR _____ RM# 308 EXT 5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

RECORD CHIEF

CITY OF BUFFALO



65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202

Phone (715) 851-4078 Fax (716) 851-4952

96

All information on this form is public record

BUSINESS LICENSE APPLICATION

<input checked="" type="checkbox"/> Used Car Dealer	fee \$262.50	<input type="checkbox"/> Tire Handler I	fee \$118.00	<input type="checkbox"/> Flea Market	fee
<input type="checkbox"/> Second Hand Dealer	\$118.00	(10 -1000 tires)		1-10 tables	\$ 78.75
<input type="checkbox"/> Scrap Processor	\$ 78.75	<input checked="" type="checkbox"/> Tire Handler II	\$262.50	11-25 tables	\$155.00
<input type="checkbox"/> Wholesale Junk Dealer	\$262.50	(over 1000 tires)		+26 tables	\$210.00
Tire Storage Information					
Inside Storage ____ yes ____ no					
Outside Storage ____ yes ____ no					

Corporation Name BEN'S TIRE CENTER INC Business Phone 716 856-1066
Business Name (dba) DOWNDOWN TIRE Business Fax () _____
Business Address (no PO Box) 50 SYCAMORE ST.
Mailing Address (if different) _____
NYS Tax ID # 161536130 Business Website _____ E-Mail _____

Owner(s)/ Principal Partners

Applicant (last, first) CAUDLE BENNIE Home Phone 716-688-0170
Home Address: (PO Box not acceptable) 100 RANCH TRAIL 14221
Date of birth 1/1/51 Place of Birth ALABAMA

Co-Applicant (last, first) _____ Home Phone _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ Place of Birth _____

Describe your specific business activity in detail. AUTO TIRE SALES & REPAIR

Subscribed and sworn to before me
this 13 day of Aug 2010

[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name BENNIE CAUDLE

Signature Bennie Caudle

Date 8/12/10

To: The Common Council:

Date: January 5, 2011

From: Department of Economic Development, Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Used Car Dealer
[: 550 E. Delavan (Masten)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

Ext. (Item No. xxx, C.C.P. xx/xx/xx):

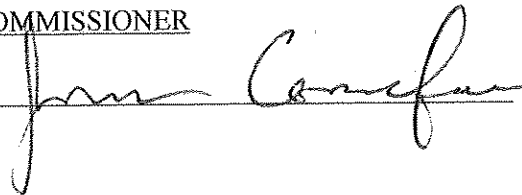
Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a Used Car Dealer License located at **550 E. Delavan** and find that as to form is correct. I have caused an investigation into the premises for which said application for a used car dealer license is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections; I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Bennie Caudle. The attached thereto for Bennie Caudle dba/ Ben's Tire Center Inc. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:



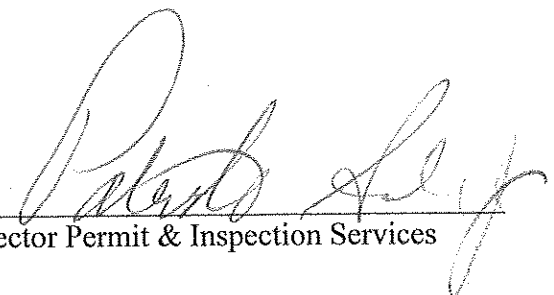
JC:PS:jad

Interdepartmental Memo

Date: January 5, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Used Car Dealer** at 550 E. Delavan

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Used Car Dealer License** application to the Common Council:

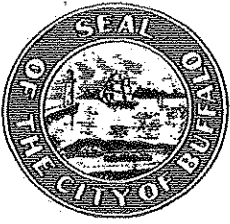
- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POZKALSKI

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 540 DELAVAN EAST

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559496

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED _____

APPROVED

DATE: 8-18-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR bt Hader RM# _____ EXT _____

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO
OFFICE OF LICENSES
301 CITY HALL
BUFFALO, NEW YORK 14202

100
E

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER 085 NEW LICENSE 2011
BUSINESS ADDRESS: 540 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559496
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED DATE: _____

DISAPPROVED DATE: _____

REMARKS: _____

DISTRICT CAPTAIN: David J. H. [Signature]

APPROVED DATE: 11/4/10

DISAPPROVED DATE: _____

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS: _____

COMM. OF POLICE: Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM

57183

TO BE MAILED TO:

2010 AUG 13 PM 2:07

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, as listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: BEN CAUDLE /MAIDEN NAME _____
SEX M RACE BLK
CURRENT ADDRESS: 100 RANCH TRAIL WILLIAMSVILLE, NY 14221
DATE OF BIRTH: [REDACTED]
SOCIAL SECURITY #: [REDACTED]
REASON FOR REQUEST CITY OF BUFFALO LICENSE

SCRAP PROCESSOR / WHOLESALE JUNK LICENSE
My Commission Expires November 26, 2008
Notary Public, State of New York
Qualified in Erie County

SIGNATURE OF APPLICANT

DATE FEB 18, 2010

STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)

SCOTT E. MURPHY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2010

On the 18th day of FEBRUARY, 2010, before me personally appeared

BEN CAUDLE, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

Notary Public / Commissioner of Deeds

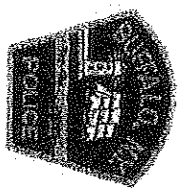
***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☒ RECORD ATTACHED☐ NO RECORD ON FILEVERIFIED BY: St. Rose M. PorczynskiDATE VERIFIED 8/13/10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

* See also Amherst

102
2010 AU 13 PM 2:07
DEPARTMENT



BUFFALO POLICE DEPARTMENT RAP SHEET

Report Date: 08/13/2010 14:03
Report Printed By: BORCZYNSKI, ROSE
Page: 1 of 1

RICI #: 00371838

NYSID #: 01608796-L

FBI #: 133504N11

Master Name: CAUDLE, BENNIE

Master DOB: 12/03/1939

Current Age: 70

Most Recent Address: 224 BLAINE AV, BUFFALO NY 14211 US

Sex: Male

Race: Black

Ethnicity: Unknown

Note: The Charge dispositions show in bold below the original charge.

Arrest Date	Incident #	Booking Name	Charges
Booking #		First Alias	
01/09/1974	BUF 74-000558	CAUDLE, BENNIE	Cts Law Section Sub Att CI Cat Deg NCIC Description
74-05665-99 (A)		CAUDLE, BEN	1 PL 165.40 N M 0

* Not based on Fingerprints

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 02100611

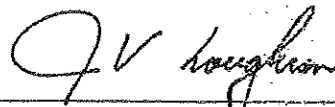
Date of Arrest: 10/12/2002
Disposition Date: 04/01/2003
Adjudication Date: 04/01/2003
Sentence Date: / /

DOB: [REDACTED]
JC501 no: 56235039M
NYSID no: 1608796L

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1192 03	VTL 1192 03	LN974032 3 OP MV INTOX 2ND	INDICTED	0.00	0.00	0.00
VTL 1192 02	VTL 1192 02	LN974032 3 OP MV ILL % ALC	INDICTED	0.00	0.00	0.00
VTL 0512	VTL 0512	LP643739 5 Oper suspend regist	INDICTED	0.00	0.00	0.00
VTL 1128 0A	VTL 1128 0A	LP643737 3 Unsafe lane move	INDICTED	0.00	0.00	0.00
VTL 0319 01	VTL 0319 01	LP643738 4 Uninsured M/V	INDICTED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 1st day of September 2010



James V. Loughran, Court Administrator
For: Hon. Mark G. Farrell

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

Copies: ____ Court, ____ Defendant, ____ Agency, ____ DA

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 01030055

Date of Birth: [REDACTED]
Date of Arrest: 02/26/2001
Disposition Date: 05/03/2001
Adjudication Date: / /

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1110-A	VTL 1110-A	LL746518 3 FLD OBEY TRF DEV	DISMISSED	0.00	0.00	0.00
VTL 1192-3	VTL 1192-3	LL746517 2 D.W.I.	LIC RVK FINE	500.00	0.00	125.00
VTL 1192-2	VTL 1192-2	LL746517 2 D.W.I.	DISMISSED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

ARRESTING OFFICER PERSONS, C

MOTORIST ID#C0174955224027

Dated: The 9th day of January 2008

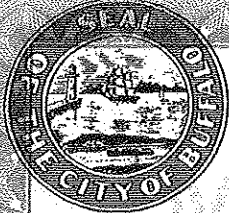


James V. Loughran

For: Hon. Geoffrey K. Klein

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 550 DELAVAN EAST

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559496

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON: SEE ATTACHED LETTER OF VIOLATION.

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED _____

APPROVED

DATE: 1-6-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

Full Compliance Spring '11

INSPECTOR

[Signature]

RM#

304

EXT

5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO

OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

107

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: USED CAR DEALER

NEW LICENSE 2011

BUSINESS ADDRESS: 550 DELAVAN EAST

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559496

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

MAX. NO. OF VEHICLES ALLOWED _____

APPROVED

DATE: 1-6-11

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

Full Compliance Spring '11

INSPECTOR

[Signature]

RM#

304

EXT

5707

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (716) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

<input checked="" type="checkbox"/> Used Car Dealer	fee \$262.50	<input type="checkbox"/> Tire Handler I (10 -1000 tires)	fee \$118.00	<input type="checkbox"/> Flea Market	fee
<input type="checkbox"/> Second Hand Dealer	\$118.00	<input checked="" type="checkbox"/> Tire Handler II (over 1000 tires)	\$262.50	1-10 tables	\$ 78.75
<input checked="" type="checkbox"/> Scrap Processor	\$ 78.75			11-25 tables	\$155.00
<input checked="" type="checkbox"/> Wholesale Junk Dealer	\$262.50			+26 tables	\$210.00

Tire Storage Information
Inside Storage ☒ yes ☐ no
Outside Storage ☐ yes ☐ no

Corporation Name BEN'S TIRE CENTER INC. Business Phone (716) 891-0281
Business Name (dba) BEN'S TIRE CENTER INC. Business Fax ()
Business Address (no PO Box) 540 E. DELAWARE AVE 14211
Mailing Address (if different) _____
NYS Tax ID # 161536130 Business Website _____ E-Mail _____
Owner(s)/ Principal Partners
Applicant (last, first) CAUDLE, BENNIE Home Phone 716 688-0170
Home Address: (PO Box not acceptable) 100 RANCH TRAIL
Date of birth 12/1/54 Place of Birth ALABAMA
Co-Applicant (last, first) _____ Home Phone _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ Place of Birth _____
Describe your specific business activity in detail. AUTO TIRE SALES & REPAIR

Subscribed and sworn to before me
this 13 day of Aug 2010
[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name BENNIE CAUDLE

Signature Bennie Caudle

Date 8/12/10

108A

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services dated January 5, 2011, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Used Car Dealer license to Bennie Caudle d/b/a Ben's Tire Center, Inc. located at 550 E. Delavan.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
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	*	9	*	0
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

To: The Common Council:

Date: January 5, 2011

From: Department of Permit & Inspection ServicesDivision: Office of LicensesSubject: [: Wholesale Junk Dealer
[: 550 E. Delavan (Masten)| Type in Upper and |
| Lower Case Only |[:
[:

Prior Council Reference: (If Any) [:

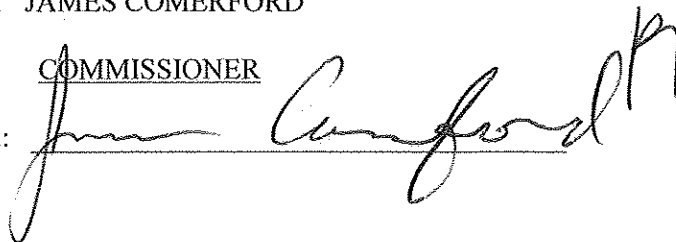
Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a **Wholesale Junk Dealer License** located at **550 E. Delavan** and find that as to form is correct. I have caused an investigation into the premises for which said application for a Wholesale Junk Dealer License is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections. I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Bennie Caudle. The attached thereto for Bennie Caudle d/b/a Ben's Tire Center Inc. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORDType Title: COMMISSIONERSignature of Department Head:

JC:PS:jd




Interdepartmental Memo

Date: January 5, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Wholesale Junk Dealer at 550 E. Delavan**

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Wholesale Junk Dealer License** application to the Common Council:

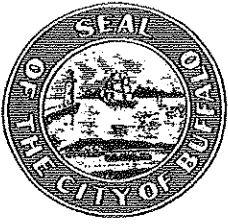
- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☒ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: WHOLESALE JUNK NEW LICENSE 2011
BUSINESS ADDRESS: 540 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559497
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 8-18-10

DISAPPROVED

DATE: _____

DISAPPROVAL
CALL BACK

DATE: _____

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: _____

INSPECTOR [Signature] RM# _____ EXT _____

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: WHOLESALE JUNK NEW LICENSE 2011
BUSINESS ADDRESS: 550 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559497
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON: SEE ATTACHED LETTER OF VIOLATION.

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-3-11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

Full Compliance by 6-15-11

INSPECTOR

[Signature]

RM#

304

EXT

sd07

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES
301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: WHOLESALE JUNK NEW LICENSE 2011
BUSINESS ADDRESS: 550 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559497
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-3-11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

Full Compliance by 6-15-11

INSPECTOR

[Signature]

RM#

304

EXT

5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: WHOLESALE JUNK 090 NEW LICENSE 2011
BUSINESS ADDRESS: 540 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559497
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED DATE: _____

DISAPPROVED DATE: _____

REMARKS: _____

DISTRICT CAPTAIN: David S. St. John

APPROVED DATE: 11/4/10

DISAPPROVED DATE: _____

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS: _____

COMM. OF POLICE: Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt

APPLICATION RELEASE FORM

57183

TO BE MAILED TO:

2010 AUG 13 PM 2:07

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

There is a \$10.00 fee to process this data. By mail, payment **MUST** be made by money order. **DO NOT** send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, listed on the bottom of this application. Without total compliance to these instructions, you **WILL NOT** receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: BEN CAUDLE /MAIDEN NAME _____
SEX M RACE BLK
CURRENT ADDRESS: 100 RANCH TRAIL WILLIAMSVILLE, NY 14221
DATE OF BIRTH: 1/15/1971
SOCIAL SECURITY # 44-1-1111
REASON FOR REQUEST CITY OF BUFFALO LICENSE

SEAL PROCESSOR / WHOLESALE JUNK LICENSE
My Commission Expires November 26, 2008
Notary Public, State of New York
Qualified in Erie County
SIGNATURE OF APPLICANT Benjamin Caudle
DATE FEB 18, 2010
STATE OF NEW YORK)
COUNTY OF ERIE) SS.
CITY OF BUFFALO)
My Commission Expires April 30, 2010

On the 18th day of FEBRUARY, 2010, before me personally appeared

BEN CAUDLE, to me known to be the same person described in, and who executed the foregoing instrument and acknowledged the execution thereof.

[Signature]
Notary Public / Commissioner of Deeds

☒ **RECORD ATTACHED**

☐ **NO RECORD ON FILE**

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****
VERIFIED BY: St. Rose M. Bozynska
DATE VERIFIED 8/13/10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RET/ AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

* See also Amherst

2010 AU 13 PM 2:07
DEPARTMENT



BUFFALO POLICE DEPARTMENT RAP SHEET

Report Date: 08/13/2010 14:03
Report Printed By: BORCZYNSKI, ROSE
Page: 1 of 1

RICI #: 00371838

NYSID #: 01608796-L

FBI #: 133504N11

Master Name: CAUDLE, BENNIE

Master DOB: [REDACTED]

Current Age: 70

Most Recent Address: 224 BLAINE AV, BUFFALO NY 14211 US

Sex: Male

Race: Black

Ethnicity: Unknown

Note: The Charge dispositions show in bold below the original charge.

Arrest Date	Incident #	Booking Name	Charges
Booking #		First Alias	
01/09/1974	BPF 74-0005586	CAUDLE, BENNIE	Cis Law Section Sub Ar CI Cat Deg NCIC Description
74-05665-99 (A)		CAUDLE, BEN	1 PL 165.40 N N 0

* Not based on Fingerprints

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 02100611

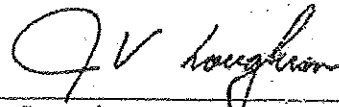
Date of Arrest: 10/12/2002
Disposition Date: 04/01/2003
Adjudication Date: 04/01/2003
Sentence Date: / /

DOB: ~~10/12/1972~~
JC501 no: 56235039M
NYSID no: 1608796L

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1192 03	VTL 1192 03	LN974032 3 OP MV INTOX 2ND	INDICTED	0.00	0.00	0.00
VTL 1192 02	VTL 1192 02	LN974032 3 OP MV ILL % ALC	INDICTED	0.00	0.00	0.00
VTL 0512	VTL 0512	LP643739 5 Oper suspend regist	INDICTED	0.00	0.00	0.00
VTL 1128 0A	VTL 1128 0A	LP643737 3 Unsafe lane move	INDICTED	0.00	0.00	0.00
VTL 0319 01	VTL 0319 01	LP643738 4 Uninsured M/V	INDICTED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 1st day of September 2010



James V. Loughran, Court Administrator
For: Hon. Mark G. Farrell

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

Copies: ____ Court, ____ Defendant, ____ Agency, ____ DA

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 01030055

Date of Birth: [REDACTED]
Date of Arrest: 02/26/2001
Disposition Date: 05/03/2001
Adjudication Date: / /

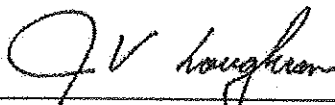
Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1110-A	VTL 1110-A	LL746518 3 FLD OBEY TRF DEV	DISMISSED	0.00	0.00	0.00
VTL 1192-3	VTL 1192-3	LL746517 2 D.W.I.	LIC RVK FINE	500.00	0.00	125.00
VTL 1192-2	VTL 1192-2	LL746517 2 D.W.I.	DISMISSED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

ARRESTING OFFICER PERSONS, C

MOTORIST ID#C0174955224027

Dated: The 9th day of January 2008



James V. Loughran

For: Hon. Geoffrey K. Klein

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (716) 851-4078 Fax (716) 851-4952

121

All information on this form is public record

BUSINESS LICENSE APPLICATION

	fee		fee		fee
<input checked="" type="checkbox"/> Used Car Dealer	\$262.50	<input type="checkbox"/> Tire Handler I (10 -1000 tires)	\$118.00	<input type="checkbox"/> Flea Market	
<input type="checkbox"/> Second Hand Dealer	\$118.00	<input checked="" type="checkbox"/> Tire Handler II (over 1000 tires)	\$262.50	1-10 tables	\$ 78.75
<input checked="" type="checkbox"/> Scrap Processor	\$ 78.75			11-25 tables	\$155.00
<input checked="" type="checkbox"/> Wholesale Junk Dealer	\$262.50			+26 tables	\$210.00

Tire Storage Information
Inside Storage ☒ yes ☐ no
Outside Storage ☐ yes ☐ no

Corporation Name BEN'S TIRE CENTER INC. Business Phone 716 891-0281
Business Name (dba) BEN'S TIRE CENTER INC. Business Fax ()
Business Address (no PO Box) 540 E. DELAWARE AVE 14211 assessed 530
Mailing Address (if different) _____
NYS Tax ID # 161536130 Business Website _____ E-Mail _____
Owner(s)/ Principal Partners
Applicant (last, first) CAUDLE, BENNIE Home Phone 716 688-0170
Home Address: (PO Box not acceptable) 160 RANCH TRAIL
Date of birth [REDACTED] Place of Birth ALABAMA
Co-Applicant (last, first) _____ Home Phone _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ Place of Birth _____

Describe your specific business activity in detail. AUTO TIRE SALES & REPAIR

Subscribed and sworn to before me
this 13 day of Aug 2010
[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name BENNIE CAUDLE
Signature Bennie Caudle

Date 8/12/10

121A

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services dated January 5, 2011, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Wholesale Junk Dealer License to Bennie Caudle d/b/a Ben's Tire Center, Inc. located at 550 E. Delavan.

Passed.

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	
	*	9	0	*
	*	*	*	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

To: The Common Council:

Date: January 6, 2011

From: Department of Permit & Inspection ServicesDivision: Office of LicensesSubject: [: **Scrap Processor**
[: **550 E. Delavan (Masten)**| Type in Upper and |
| Lower Case Only |[:
[:Prior Council Reference: (If Any) [:
Ext. (Item No. xxx, C.C.P. xx/xx/xx):

Text (Type Single Space Below):

Pursuant to Chapter 254 of the City of Buffalo Ordinances, please be advised that I have examined the attached application for a **Scrap Processor Dealer License** located at **550 E. Delavan** and find that as to form is correct. I have caused an investigation into the premises for which said application for a Scrap Processor Dealer License is being sought and according to the attached reports from the Zoning Office, Fire Department and Building Inspections, I find it complies with all regulations and other applicable laws. I have caused an investigation by the Police Department into the moral character of Bennie Caudle. The attached thereto for Bennie Caudle d/b/a Ben's Tire Center Inc. This request is submitted for your approval or whatever action you deem appropriate.

Type Department Head Name: JAMES COMERFORD

Type Title: COMMISSIONER

Signature of Department Head:

JC:PSjd

123

Interdepartmental Memo

Date: January 5, 2011
To: James Comerford, Commissioner
From: Patrick Sole Jr., Director of Permits & Inspection Services
RE: Common Council Communication **Scrap Processor at 550 E. Delavan**

Per City of Buffalo Ordinance Chapter 254, the following is a check list of requirements for **Scrap Processor License** application to the Common Council:

- ☒ Zoning Office
- ☒ Fire Prevention
- ☒ Building Inspection
- ☒ Police Department
- ☒ Police Record Check
- ☐ Application



Director Permit & Inspection Services



Date



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: POLICE

REFERRED TO: COMMISSIONER OF POLICE

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: SCRAP PROCESSOR 070

NEW LICENSE 2011

BUSINESS ADDRESS: 540 DELAVAN EAST

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT:

POLICE DISTRICT:

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559498

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED DATE: _____

DISAPPROVED DATE: _____

REMARKS: _____

DISTRICT CAPTAIN: David J. St. John

APPROVED DATE: 11/4/10

DISAPPROVED DATE: _____

***REASON FOR DISAPPROVAL MUST BE STATED BELOW ***

REMARKS: _____

COMM. OF POLICE: Charles Tomaszewski

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL TO THE OFFICE OF LICENSES. THANK YOU.

APPLICATION RELEASE FORM

5783 ps

TO BE MAILED TO:

2010 AUG 13 PM 2:07

Buffalo Police Department
Identification Section
74 Franklin Street
Buffalo, New York 14202

There is a \$10.00 fee to process this data. By mail, payment MUST be made by money order. DO NOT send cash through the mail. In person, payment can be made by money order or cash. Checks are not accepted. Make money order payable to the Buffalo Police Department.

Be sure to include a stamped, self-addressed envelope so that this information can be mailed to you. Complete all the information listed below and have your identification and signature verified by a Notary Public (or) Commissioner of Deeds, listed on the bottom of this application. Without total compliance to these instructions, you WILL NOT receive the requested information.

ALL SIGNATURES MUST BE ORIGINAL

NAME OF APPLICANT: BEN CAUDLE /MAIDEN NAME _____
SEX M RACE BLK
CURRENT ADDRESS: 100 RANCH TRAIL WILLIAMSVILLE, NY 14221
DATE OF BIRTH: [REDACTED]
SOCIAL SECURITY #: [REDACTED]
REASON FOR REQUEST CITY OF BUFFALO LICENSE

SCRAP PROCESSOR / WHOLESALE JUNK LICENSE
My Commission Expires November 26, 2008
Notary Public, State of New York
Qualified in Erie County
SIGNATURE OF APPLICANT Benjamin M. Caudle
DATE FEB 18, 2010
STATE OF NEW YORK
COUNTY OF ERIE) SS.
CITY OF BUFFALO)
GORDON E. MURPHY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires April 30, 2010

On the 18th day of FEBRUARY, 2010, before me personally appeared
BEN CAUDLE, to me known to be the same person described in, and who
executed the foregoing instrument and acknowledged the execution thereof.

Notary Public / Commissioner of Deeds

***** TO BE COMPLETED BY IDENTIFICATION SECTION PERSONNEL *****

☒ RECORD ATTACHED☐ NO RECORD ON FILEVERIFIED BY: St. Rose M. PorczynskiDATE VERIFIED 8/13/10

NOTE: USE OF THIS INFORMATION IS NOT BASED ON FINGERPRINT IDENTIFICATION. DO NOT RETAIN AFTER 60 DAYS FROM DATE VERIFIED. NOT VALID UNTIL STAMPED.

* See also Ankerst

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

126
AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 02100611

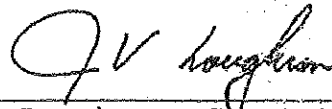
Date of Arrest: 10/12/2002
Disposition Date: 04/01/2003
Adjudication Date: 04/01/2003
Sentence Date: / /

DOB: [REDACTED]
JC501 no: 56235039M
NYSID no: 1608796L

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1192 03	VTL 1192 03	LN974032 3 OP MV INTOX 2ND	INDICTED	0.00	0.00	0.00
VTL 1192 02	VTL 1192 02	LN974032 3 OP MV ILL % ALC	INDICTED	0.00	0.00	0.00
VTL 0512	VTL 0512	LP643739 5 Oper suspend regist	INDICTED	0.00	0.00	0.00
VTL 1128 0A	VTL 1128 0A	LP643737 3 Unsafe lane move	INDICTED	0.00	0.00	0.00
VTL 0319 01	VTL 0319 01	LP643738 4 Uninsured M/V	INDICTED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 1st day of September 2010



James V. Loughran, Court Administrator
For: Hon. Mark G. Farrell

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

127
Copies: ____ Court, ____ Defendant, ____ Agency, ____ DA

CERTIFICATE OF DISPOSITION

STATE OF NEW YORK
ERIE COUNTY

128
AMHERST TOWN COURT
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK

VS.

BENNIE M CAUDLE; Defendant

CASE NO: 01030055

Date of Birth: [REDACTED]
Date of Arrest: 02/26/2001
Disposition Date: 05/03/2001
Adjudication Date: / /

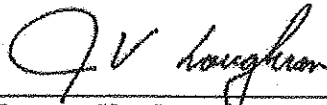
Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg
VTL 1110-A	VTL 1110-A	LL746518 3 FLD OBEY TRF DEV	DISMISSED	0.00	0.00	0.00
VTL 1192-3	VTL 1192-3	LL746517 2 D.W.I.	LIC RVK FINE	500.00	0.00	125.00
VTL 1192-2	VTL 1192-2	LL746517 2 D.W.I.	DISMISSED	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

ARRESTING OFFICER PERSONS, C

MOTORIST ID#C0174955224027

Dated: The 9th day of January 2008


James V. Loughran
For: Hon. Geoffrey K. Klein

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: OFF. OF ZONING & USE

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: SCRAP PROCESSOR NEW LICENSE 2011
BUSINESS ADDRESS: 550 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT: MA
POLICE DISTRICT: 16
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559498
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-6-11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR [Signature] RM# 304 EXT 5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: HOUSING PROPERTY INS

REFERRED TO: VINNIE FERARRACCIO

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: SCRAP PROCESSOR

NEW LICENSE 2011

BUSINESS ADDRESS: 550 DELAVAN EAST

BUSINESS PHONE: (716) 891-0281

COUNCIL DISTRICT: MA

POLICE DISTRICT: 16

APPLICANT NAME: BENNIE CAUDLE

APPL. PHONE: (716) 891-0281

APPLICATION NUMBER: 559498

REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON: SEE ATTACHED LETTER OF VIOLATION.

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)

APPROVED

DATE: 1-6-11

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS: ON CONDITION of full Compliance in Spring

INSPECTOR

RM#

304

EXT

5407

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.



CITY OF BUFFALO
OFFICE OF LICENSES

301 CITY HALL
BUFFALO, NEW YORK 14202

INSPECTION/APPROVAL REQUEST

AGENCY / DEPARTMENT: FIRE PREVENTION

REFERRED TO: LT. POCZKALSKI

APPLICATION FOR: BEN'S TIRE CENTER INC.

LICENSE TYPE: SCRAP PROCESSOR NEW LICENSE 2011
BUSINESS ADDRESS: 540 DELAVAN EAST
BUSINESS PHONE: (716) 891-0281
COUNCIL DISTRICT:
POLICE DISTRICT:
APPLICANT NAME: BENNIE CAUDLE
APPL. PHONE: (716) 891-0281
APPLICATION NUMBER: 559498
REFERRAL DATE: 08/16/2010

REMARKS:

DISAPPROVAL REASON:

(TO BE COMPLETED BY AGENCY/DEPARTMENT REFERRED TO)



DATE: 8-18-10

DISAPPROVED

DATE:

DISAPPROVAL
CALL BACK

DATE:

REASON FOR DISAPPROVAL MUST BE STATED BELOW

REMARKS:

INSPECTOR [Signature] RM# EXT

AFTER INSPECTION PLEASE COMPLETE AND RETURN THIS
REFERRAL OF THE OFFICE OF LICENSES. THANK YOU.

AppSlip2.rpt



CITY OF BUFFALO

65 Niagara Sq. City Hall Room 301 Buffalo, NY 14202
Phone (715) 851-4078 Fax (716) 851-4952

All information on this form is public record

BUSINESS LICENSE APPLICATION

<input checked="" type="checkbox"/> Used Car Dealer	fee \$262.50	<input type="checkbox"/> Tire Handler I (10 -1000 tires)	fee \$118.00	<input type="checkbox"/> Flea Market	fee
<input type="checkbox"/> Second Hand Dealer	\$118.00	<input checked="" type="checkbox"/> Tire Handler II (over 1000 tires)	\$262.50	1-10 tables	\$ 78.75
<input checked="" type="checkbox"/> Scrap Processor	\$ 78.75			11-25 tables	\$155.00
<input checked="" type="checkbox"/> Wholesale Junk Dealer	\$262.50			+26 tables	\$210.00

Tire Storage Information
Inside Storage ☒ yes ☐ no
Outside Storage ☐ yes ☐ no

Corporation Name BEN'S TIRE CENTER INC. Business Phone 716 891-2281
Business Name (dba) BEN'S TIRE CENTER INC. Business Fax ()
Business Address (no PO Box) 540 E. DELAWARE AVE 14211 (assessed 550)
Mailing Address (if different) _____
NYS Tax ID # 161536130 Business Website _____ E-Mail _____
Owner(s)/ Principal Partners
Applicant (last, first) CAUDLE, BENNIE Home Phone 716 688-0170
Home Address: (PO Box not acceptable) 100 RANCH TRAIL
Date of birth [REDACTED] Place of Birth ALABAMA
Co-Applicant (last, first) _____ Home Phone _____
Home Address: (PO Box not acceptable) _____
Date of birth _____ Place of Birth _____
Describe your specific business activity in detail. AUTO TIRE SALES & REPAIR

Subscribed and sworn to before me
this 13 day of Aug 2010

[Signature]
Commissioner of Deeds in and for the
City of Buffalo, New York

I am aware of the obligation to provide timely notice of any change in required information, and I have informed all owners, managers, or other principals of their criminal and/or civic responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business.

As an authorized agent of the entity identified above, I certify the information on this form is true, correct, complete and current to the best of my knowledge and belief.

Print Name BENNIE CAUDLE

Signature Bennie Caudle

Date 8/12/10

132A

Mr. Fontana moved:

That the above communication from the Department of Permit and Inspection Services dated January 6, 2011, be received and filed; and

That pursuant to Chapter 254 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Wholesale Junk Dealer License to Bennie Caudle d/b/a Ben's Tire Center, Inc. located at 550 E. Delavan.

Passed.

13218

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	*	*	*
	*	9	0	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

B3

FROM THE COMMISSIONER OF ADMINISTRATION, FINANCE, POLICY &
URBAN AFFAIRS

January 25, 2011

SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL:
DATE: JANUARY 4, 2011
FROM: DEPARTMENT: ADMINISTRATION, FINANCE, POLICY, & URBAN AFFAIRS-PURCHASE

SUBJECT: [:
[:SELLING OF SURPLUS
[:
[:

PRIOR COUNCIL REFERENCE: (IF ANY)
Ex. (Item No. xxx, C.C.P. xx/xx/xx)

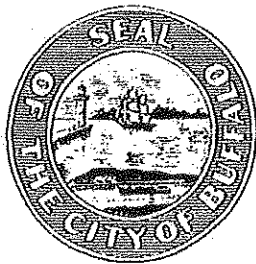
ITEM 158 JUNE 8 "POLICY FOR SELLING SURPLUS, WORN-OUT AND OBSOLETE CITY-OWNED ASSETS" PER CHARTER SECTION 265.7 (G) SALE OF SURPLUS MATERIALS. WHEN ITEMS ARE REPORTED TO THE PURCHASE DIVISION BY ANY CITY AGENCY, THE SURPLUS/WORN OUT ITEMS ARE TO BE DOCUMENTED BY THE DEPARTMENT HEAD WITH SAID CONDITION, AND SUBMITTED TO THE COUNCIL FOR DENIAL OR APPROVAL TO DISPOSE OF. IF REQUEST IS APPROVED THE COUNCIL SHOULD STIPULATE THAT THE ITEM MUST BE FORWARDED TO THE PURCHASE DIVISION FOR DISPOSAL. PURCHASE THEN CONSULTS WITH THE DEPARTMENT HEAD FOR RECOMMENDATIONS. IF AN ITEM IS DETERMINED TO BE UNSAFE FOR SALE IT IS THEN DISPOSED OF BY MEANS OF HEAVY TRASH PICKUP, OR SCRAP IF IT'S A ITEM THAT WOULD GENERATE SCRAP REVENUE. IF THE ASSET IS LABELED AS A CAPITAL EXPENDITURE ITEM, AUDIT AND CONTROL IN THE COMPTROLLERS OFFICE IS NOTIFIED TO DOCUMENT. WHEN THE SALE OF EQUIPMENT IS LARGE ENOUGH ITEMS ARE ADVERTISED IN THE BUFFALO NEWS. WHEN CONSIDERING THE SALE OF ANY CITY ASSET SAFETY IS OUR FIRST CONCERN. AN EXAMPLE BEING, WE WOULD NOT SELL OFFICE FURNITURE THAT IS UNSAFE FOR USE. CONSIDERATION IS GIVEN IN ADVERTISING FOR THE SALE OF AN ITEM IF THE ANTICIPATED COSTS TO ADVERTISE IS GREATER THAN THE ANTICIPATED COST OF THE SALE. ALL ITEMS THAT ARE SUBMITTED TO THE COUNCIL FOR APPROVAL OR DENIAL TO SELL OR DISPOSE AND SHOULD BE EITHER APPROVED OR DENIED BY THE COUNCIL, IF APPROVED THEN FORWARDED TO PURCHASE FOR FINAL DISPOSAL. ALL FUNDS RECEIVED ARE TO BE SUBMITTED TO THE PURCHASE DIVISION AND DEPOSITED TO THE GENERAL REVENUE FUND.

SIGNATURE**DEPARTMENT HEAD TITLE :**

KATHLEEN FITZPATRICK, DIRECTOR

**REFERRED TO THE COMMITTEE
ON FINANCE.**

22



Common Council

Legislative Staff

City of Buffalo, NY

135
Chief of Staff
James S. Pajak
Senior Legislative Assistant IV
Kevin M. Linder
Senior Legislative Assistants
Mark J. Jaskula
William B. Licata
Julia A. Paul
Melissa Sanchez
Richard Wall
Legislative Aide
James N. Jackson

Charter
10-27
G

November 19, 2010

Purchase Division
1902 City Hall
Buffalo, NY 14202

At the Common Council meeting held on Tuesday, June 8, 2010, the RESOLVES of the following item were ADOPTED and the remainder of the Resolution was sent to the Finance Committee:

(Item # 158 June 8) "Policy For Selling Surplus, Worn-Out and Obsolete City-Owned Assets"

Please review the enclosed item and address and file your comments and/or concerns with the Common Council, 1308 City Hall. If you have any questions, or need further information, please contact me at 851-4616.

Your assistance is greatly appreciated.

Sincerely,

Julia A. Paul
Sr. Legislative Assistant
Common Council Staff

Enclosure

2011 JAN 20 PM 2:01

FILED
CITY CLERK

65 Niagara Square - Room 1413
Buffalo, New York 14202-3318
Phone: (716) 851-5105
Fax: (716) 851-4234

FIN
JUN 08 2010
136

RESOLUTION

By: Common Council Member Bonnie E. Russell

RE: Policy for selling surplus, worn-out and obsolete city-owned assets

WHEREAS: Over time, city-owned vehicles, furniture, equipment, supplies and tools will wear-out and electronic equipment will become obsolete and need to be replaced ; and

WHEREAS: In situations where city-owned assets have become surplus, worn-out or obsolete and it is unfeasible or undesirable to refurbish or upgrade them, the city is essentially left with three alternatives; place the item in storage; discard the item; or attempt to sell the item; and

WHEREAS: Selling old and obsolete city-owned assets is most attractive of these options because it provides additional revenue to the city, frees up valuable space in municipal owned buildings for other uses, forgoes the need to send these items to a landfill, and provides an affordable and environmentally friendly alternative for reuse; and

WHEREAS: City departments have on occasion, filed requests with the Common Council seeking permission to sell city-owned assets such as most recently when on May 18, 2010, the Common Council approved a request from the Department of Management Information Systems (MIS) for permission to sell several old and used city-owned computers; and

WHEREAS: The Common Council applauds the Department of MIS for their efforts to sell their old and obsolete equipment and encourages other departments to explore similar opportunities for selling items that have out-lived their useful life to the city; and

WHEREAS: In order to ensure transparency in the disposal of city-owned assets and maximize the revenue that can be realized from their sale, it is desirable that there be a policy in place for advertising items for sale to the general public.

NOW, THEREFORE BE IT RESOLVED:

That the Common Council supports the sale of surplus, worn-out and obsolete city-owned assets such as the computers recently disposed of by the Department of MIS; and

✓
adopted
resolves
Mem. to Cm.
6-8-10

62

158

(27)

6/8/10
Add
resolves
mm. to finance
AND, THEREFORE BE IT FURTHER RESOLVED:

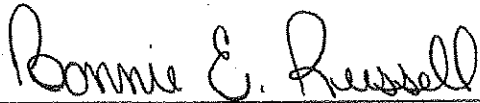
That the Common Council requests of the Department of Administration and Finance and the Purchasing Division, that they provide to the Common Council, by filing the following information with the City Clerk: a summary of the process utilized to identify city assets which are available for sale, how the minimum prices at which items should be sold are determined, as well as how potential sale dates are determined; and

AND, THEREFORE BE IT FURTHER RESOLVED:

That the City establish a periodic method for selling or disposing of surplus, worn out or obsolete items, and that for sales, the terms of sale, items for sale, sale dates, and contact and inspection of items information be posted on the City web site, and advertised with local television, radio and newsprint media outlets.

AND, BE IT FINALLY RESOLVED:

That a copy of this resolution be forwarded to the Department of Administration and Finance, Law Department and all City Departments. And that this resolution be referred to the Common Council Finance Committee for further discussion and follow-up.



Bonnie E. Russell
University District Councilmember

2010 MAY 26 PM 3:20

FILED
CITY CLERK

137

1015

138

FROM THE CITY CLERK

January 25, 2011

No. 26

Various Request to Serve on the City of Buffalo Citizens Advisory Commission on
Reapportionment

REFERRED TO THE COMMON COUNCIL PRESIDENT AND THE MAYOR

00026

139A

Monday, January 17, 2011

CITIZENS ADVISORY COMMISSION

Gerald A. Chwalinski
Clerk, City of Buffalo
City Clerk's Office
1308 City Hall
Buffalo, NY 14202

Dear Mr. Chwalinski,

I write to inform you of my interest in serving on the City of Buffalo's Citizens Advisory Commission on Reapportionment.

I believe this committee is vitally important in this year's reapportionment process, as the committee will hold influence over decisions which will affect the City of Buffalo's various populations. It is my desire to bring to the committee a knowledge of and advocacy for the interests of the City of Buffalo's lesbian, gay, bisexual, transgender and questioning community. It is of the utmost importance that the LGBTQ community's unique needs and interests be considered and factored into decisions on reapportioning the community's representation on the City of Buffalo's Common Council.

I am incredibly active in the LGBTQ community with government and legislative advocacy, working with the Stonewall Democrats of Western New York and the non-partisan LGBTQ advocacy group Outspoken for Equality on our community's various issues and needs at all levels of our Western New York government. I have appeared before the Common Council and other local legislative bodies speaking on the issues and needs of the LGBTQ community, and I would bring a unique focus to the committee's decisions on the reapportionment process.

I thank you for any consideration you may give me for the City of Buffalo's Citizens Advisory Commission on Reapportionment. I look forward to serving in any way possible to ensure that the committee and the city meet the unique needs of Buffalo's populations in reapportionment, and anticipate that the LGBTQ community be considered in the process. Thank you.

Sincerely,

Bryan Glenn Ball

Bryan Glenn Ball

204 West Tupper Street
Buffalo, NY 14201
(716) 541-5557

REFERRED TO THE COMMON COUNCIL PRESIDENT AND THE MAYOR

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TO WHOM IT MAY CONCERN,

1-17-11

MY NAME IS Deborah Skulski I
RESIDE AT 224 KEYSTONE ST BAHAM 14211
I HAVE A BUSINESS AT 227/236 PADEREWSKI DR
BUTTERFIELD 14212, I LIVE IN THE LOVEJOY
DIST AND WORK/DOWN IN THE FILLMORE DISTRICT.
I WOULD LIKE TO SERVE ON THE REDISTRICTING
COMMISSION IN EITHER DISTRICT. IF I WOULD
HAVE A CHOICE IT WOULD BE FILLMORE. BUT
WOULD SERVE IN LOVEJOY.

Thank you.

Dale Skulski
716 444-1788

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58 Niagara Falls Blvd.
Buffalo, NY 1421
716-510-1945
January 18, 2011

City Clerk Gerald A Chwalinski

City Clerk's Office

1308 City Hall

Buffalo, NY 14202

Mr. Chwalinski:

I would respectfully submit my name and qualifications for the Citizens Reapportionment Commission that will advise on the reapportionment of the City of Buffalo Councilmatic Districts.

I have enclosed my resume of work experience and I have been actively involved in community service for the past twenty five years. Since my retirement in 2009 I have immersed myself in additional and varied activities to improve quality of life in the University District. I currently serve in the following positions:

1. President of the Board of Directors, University District Community Development Agency
2. Housing Court Liaison University District, City of Buffalo Housing Court
3. University Heights Collaborative, Board of Directors (Housing)
4. University Community Farmers Market , Board of Directors (Planning and Marketing)
5. University Community Rental Registry Task Force
6. Voice Buffalo, St. Joseph's University Heights R.C. Church Chapter

All of these positions, as well as thirty nine year career of successful sales and marketing, uniquely prepare me with the negotiating skills necessary to be an active and positive force in this critically important citizen panel.

I am available, at your convenience, for a personal interview to further expand on my qualifications and the reasons for my volunteering service.

Respectfully submitted,

Fred Brace

FREDERICK E. BRACE

58 Niagara Falls Blvd. • Buffalo, N.Y. 14214 • 716-510-1945 • brickroad58@roadrunner.com

SUMMARY

Driven, analytical, astute, and business savvy sales professional with solid experience in both sales and management. Over thirty years experience with demonstrated success in exceeding sales quotas, establishing new market areas, negotiating win/win agreements and successful training of newly hired representatives. A consummate multi-tasker recognized by customer, management and peers for my market knowledge and mastery of the consultative sales approach.

- Managed Care Expertise
- Consultative Sales Trainer
- Specialty Practice Expertise
- Team Player
- Relationship Builder
- Strong Community Involvement

PROFESSIONAL EXPERIENCE

ESPRIT PHARMA / ALLERGAN UROLOGICS, Irvine, CA

2007 - 2009

Sales Specialist - Urology

Responsible for key Urologists in the WNY portion of our district. Many of these M.D.'s were previously "hard to see" or "no see" providers who were not giving us a fair share of prescriptions in our drug class.

- Immediately gathered information necessary to place myself in the proper circumstances to engage key Urologists. Used my many contacts and proven sales techniques to insure success. Access now available to all on a routine basis.
- Began a selective process to eliminate spending time and effort on providers that could not be engaged and convinced to use "SancturaXR". Result was increased coverage for key targets needed to grow business.
- By cultivating key opinion leaders (KOL) for my territory I was able to move into the top echelon of sales success for the second and third trimester of 2008. I was number two for number of prescribers and moved my market share ranking from 179 to 62. This substantial increase was accomplished in a market with minimal formulary coverage for our product (Tier 3). Rated "Exceeds Expectations" for yearly evaluation in 2008.

KOS PHARMACEUTICALS, Edison, NJ

2003 - 2007

Senior Cardiovascular Representative

Hired as a mirrored territory representative with responsibility for doubling the number of key product prescriptions by the end of 2004

- Realized goal of doubling prescriptions by 12/04. Current run rate for cholesterol franchise is 4000 prescriptions per month.
- Territory has consistently performed in the first or second position in the district top 5% in the region and top 10 percent in the nation. Currently we are ranked 62 out of 750 representatives and our commission of \$3,500 to \$4,500 a month is double the expected payout.
- DM assigned me to be our direct liaison to our Medical Science Liaison (MSL) and Regional Managed Care (RAM) representative which enriched and expanded our speaker program and ensured success in getting formulary approval for Niaspan on Medicare Part D in April of 2006
- Created a flushing reduction protocol, with the pro-bono assistance of key cardiologists, which resulted in a compliance rate that increased from 40-50% to 75-80%. This action resulted in increased refills and new prescriptions that insured our prescription goal.

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THE PHARMACIA CORPORATION, Peapack, NJ

1998 - 2003

Senior Pharmaceutical Sales Consultant

Hired as an experienced and stabilizing member of a young and inexperienced sales team that had no direct leadership for 9 months. Looked upon by my teammates as the interim District Manager.

- Immediately consulted my professional sources to obtain the names of key formulary members of the top managed care plans in WNY. The result of this action was that we were awarded parity with our competitors in regards to formulary coverage.
- Promoted to Milestones I, II, and III at first promotional opportunities.
- Sourced by DM to train all new hires in time management and territorial organizational skill. Recognized for highest district call average performance.
- Key member of superior sales team that lead district in Celebrex Sales performance that was 250% plan for second trimester 2002. Consistent top 10% performer for this product.
- Received quarterly sales award for being in the top 20% of region for Detrol LA. This success led to me being chosen to receive the Regional Directors Representative of the Year award.

OTHER RELEVANT EXPERIENCE

District Manager (CSO)
Corporate Account/Regional Manager (Consumer Products)
Institutional Sales Manager (Wholesale Distribution)
Hospital Sales Manager (Wholesale Distribution)
Retail Sales Manager (Wholesale Distribution)
District Manager/Regional Trainer (Pharmaceutical)
Specialty Sales Representative (Pharmaceutical)

EDUCATION

Bachelor of Arts-Social Sciences
State University of NY at Buffalo - MBA Certificate Program
State University of NY at Buffalo

MILITARY

United States Air Force, Captain

AWARDS

Regional Director's Award
Winthrop-Breon Representative Of The Year
Consistent Quarterly Achievement Award Winner

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To: City Clerk
City of Buffalo
13th Floor
Buffalo, New York

Date: January 18, 2011; Delivered via hand delivery

Re: Nomination of Sandra Gaston for Citizens Advisory Commission on
Reapportionment

I hereby nominate Sandra Gaston, of 251 Brunswick Blvd., Buffalo, NY 14208, for a position on the Citizens Advisory Commission on Reapportionment.

Sandra Gaston is not originally from Buffalo. She is a transplant, but has chosen Buffalo as her home for herself and her family. Her husband was from Buffalo and they met when he was in the service. Sandra has spent significant portions of her life in other states and cities (Little Rock, Dallas, Minneapolis), so that she brings fresh thinking, instead of the entrenched ideas of those (including myself) who have always lived here.

Sandra is committed to the area and to the area's success. Sandra and her husband own their own home on Brunswick along with her brother in law who resides in the lower apartment. She has an interest in the safety and health of all neighborhoods in Buffalo for families such as hers.

She and her husband have two sons, both in grammar school in the public schools of Buffalo and she is involved in making sure they do well.

Sandra Gaston has two years of college at the University of Arkansas at Little Rock taking courses in architecture, stopping only because she was married to someone in the military and had to move with him. She has worked in law at our firm doing filings with the American Arbitration Association for medical providers. Previously she worked at a firm doing real estate litigation matters. Her experience and training in real estate, architecture, and law will add to the diversity of the committee and help make better decisions.

She and her husband both work full time in the private sector. After long service in the military, upon return to Buffalo, her husband has worked full time at Sears, while she has worked in the legal field.

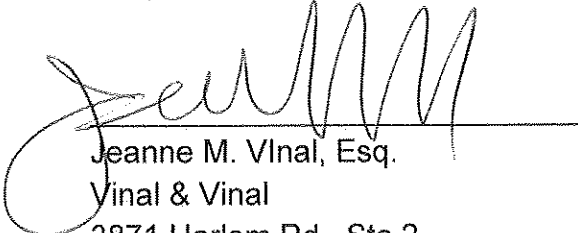
Her primary reason for wanting to do this is to help the area and to give back to the community which is important to her.

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Sandra is also easy to get along with, she is respectful of others, she listens and expresses herself well. She is smart, devoted, and competent. She would be an excellent member of the Citizens Advisory Commission on Reapportionment.

Please let me know if you need any further information.

Respectfully submitted by,



Jeanne M. Vinal, Esq.
Vinal & Vinal
3871 Harlem Rd., Ste 2
Buffalo, NY 14215
716-832-5900

No. 27

Various Request to Serve on the City of Buffalo Citizens Advisory Commission on
Reapportionment

REFERRED TO THE COMMON COUNCIL PRESIDENT AND THE MAYOR

00027



146A

fred k. heinle, 80 trinity place, buffalo, new york 14201

716.374.4362 fkheinle@aol.com

January 18, 2011

Hon. David A. Franczyk, President
City of Buffalo Common Council
1315 City Hall
Buffalo, NY 14202


Dear Mr. Franczyk:

As a lifelong resident of the City of Buffalo, it is with the most heartfelt conviction that I submit my name for consideration of appointment to the City of Buffalo Reapportionment Commission.

My broad professional background has afforded me the good fortune and opportunity to work within all neighborhoods and communities throughout the City of Buffalo. This experience developed a breadth and depth of understanding of our diverse neighborhoods and the importance of their identity as a major component of our Great City. Additionally, as a twenty-five years homeowner in Allentown I have witnessed the effects and impact that the change of Council Districts Lines has within our neighborhoods and communities.

I continue to be involved in numerous community and neighborhood activities through my Community and Economic Development Consulting and as a member of various boards and committees. I am greatly interested in pursuing this opportunity and remain completely confident that I possess the necessary and appropriate background and credentials to fulfill all expectations of this important position. Please note that I would participate without a personal agenda and would openly and honestly serve all residents and neighborhoods of our Great City.

I look forward to the opportunity of discussing this appointment in greater detail. In the event you maintain any questions or require additional I encourage you to contact me.

Respectfully submitted,


Fred K. Heinle

"Let it not be for present delight, nor for present use alone; let it be such work as our descendants will thank us for, and let us think...that a time is to come when ...men will say, See! This our fathers did for us." John Ruskin, Architectural Historian

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R7

Chwalinski, Gerald

From: Matthew Ricchiazzi [matthew.ricchiazzi@changebuffalo.org]
Sent: Sunday, January 23, 2011 6:29 PM
To: Chwalinski, Gerald
Subject: Citizen's Reapportionment Commission
Attachments: Abbreviated Resume for Matthew Ricchiazzi.pdf

183 Brinton Avenue

Buffalo, NY 14216

January 17, 2011

Gerald A. Chwalinski

City Clerk's Office

1308 City Hall

Buffalo, NY 14202

Dear Mr. Chwalinski:

Please accept this email and my attached resume as a request to be considered for appointment to the Citizen's Reapportionment Commission. I'm a proud Buffalonian and a citizen-activist who is deeply concerned about our community and the fundamental fairness of our governance. With deeply ingrained civic values, I believe that I have the intellect, judgment, and honest goodwill to serve our community – and to serve it well.

Having an MBA in Structured Finance, and a BS in Urban Planning with concentrations in economics and development, I have the quantitative and analytical skill sets to engage Census data in a thorough and meaningful socio-spatial and statistical analysis.

It is my hope that you will review my abbreviated resume (attached) favorably. Please feel free to contact me, should you have any questions or concerns; 716.548.3371, or via email at matthew.ricchiazzi@changebuffalo.org.

I look forward to the remainder of the process.

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Truly,

Matthew Ricchiazzi

Matthew Ricchiazzi

183 Brinton Ave • Buffalo, New York 14216
(716) 548-3371 • matthew.ricchiazzi@gmail.com

~ Abbreviated Résumé ~

CURRENT EMPLOYMENT

Seneca Holdings, LLC • *Private Equity Associate* • Buffalo, NY, 2011 – present

EDUCATION

Cornell University • Johnson Graduate School of Management • Ithaca, NY
Master of Business Administration, May 2010

Cornell University • College of Architecture, Art, and Planning • Ithaca, NY
Bachelor of Science in Urban and Regional Studies, May 2008

Princeton University • Woodrow Wilson School • Princeton, NJ
Public Policy & International Affairs Fellow, 2007

EXPERIENCE

Grisanti for State Senate • *Political Operative* • Buffalo, NY, summer/fall 2010

National Congress of American Indians • *Legislative Affairs* • Washington, DC, fall 2006

Industrial Areas Foundation • *Community Organizer* • New York, NY, summer 2006

Buffalo Niagara Partnership • *Budget Stabilization Project Intern* • Buffalo, NY, summer 2005

SKILLS

Strong Excel skills including financial modeling, valuations, statistical regressions, sensitivity analysis, and applications for operations management

Excellent oral and written communication skills, and extensive experience with local media

No.

Liquor License Applications

Attached hereto are communications from persons applying for liquor licenses from the Erie County Alcohol Beverage Control Board.

Address	Business Name	Owner's Name
236 Delaware Ave	Purple Mondey Tropical Pub	BGJR LLC
2424 Bailey Avenue	TBR Lounge	TBR LLC
810 Elmwood Avenue	Sole	Sole Food Service Ent

RECEIVED AND FILED

January 25, 2011

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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

NOTICE OF HEARING PURSUANT TO SECTION 64(7) OR 64-a(7)
of the Alcoholic Beverage Control Law

TO: Applicant and Residence Address	Community Board/Municipality:
BGJR LLC Purple Monkey Tropical Pub 236 Delaware Avenue Buffalo, NY 14202	City of Buffalo Office of the City Clerk City Hall Buffalo, NY 14202

PLEASE TAKE NOTICE that a hearing pursuant to Section 64 (7) or 64-a (7) of the Alcoholic Beverage control Law, concerning a proposed premises which is located within a 500 foot radius of at least three (3) other licensed and operating on-premises liquor establishments, will be held on:

Date:	Time:	Place of Hearing: NYS Liquor Authority Electric Tower Building 535 Washington St. Buffalo, NY 14203	Room:
1/20/2011	10:00 AM		303

An on-premises liquor license application was filed on 11/30/2010 with the State Liquor Authority for the following premises:

Applicant's Name:	ERIE OP 3149105 BGJR LLC Purple Monkey Tropical Pub
Premises Address:	236 Delaware Avenue Buffalo, NY 14202

Testimony will be taken from: the applicant and/or an authorized representative, an individual duly authorized to represent the community board or municipality in an official capacity, and any other qualified intervener.

Any speaker wishing to testify must be pre-registered no later than forty-eight (48) hours prior to the scheduled date and time of the hearing by calling the License Bureau at (716) 847 - 3001. Individuals who do not pre-register to speak will only be allowed to testify at the discretion of the hearing officer conducting the hearing. Written testimony submitted in lieu of oral testimony is preferred, and should be submitted in addition to oral majority of the members present and entitled to vote during the presence of a quorum. The hearing officer has the discretion to limit the time that individual speakers will have to testify.

Speakers will only be permitted to testify to issues of fact regarding the specific application at hand and must address the impact of the proposed premises in relation to the other licensed and operating on-premises liquor establishments within the 500' radius. Cumulative testimony will not be permitted.

THERE WILL BE NO ADJOURNMENT OF THIS HEARING. ATTENDANCE IS REQUIRED.

STATE LIQUOR AUTHORITY

DATE: 1/5/2011

BY: 
David L Edmunds, Deputy Commissioner



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
In connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		01082011
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD		
2.	Name of the Local Municipality or Community Board:	CITY OF BUFFALO
3.	Street Address of Local Municipality or Community Board:	1308 CITY HALL
4.	City, Town, or Village:	BUFFALO NY Zip Code: 14202
5.	Telephone Number of Clerk of Local Municipality or Community Board:	716-851-5431
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE		
6.	Attorney's Full Name is:	DAVID A. DIZAK (REPRESENTATIVE)
7.	Attorney's Street Address:	100 BARLOW AVE.
8.	City, Town, or Village:	BUFFALO NY Zip Code: 14218
9.	Business Telephone Number of Attorney:	716-270-7118
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT - WITHIN THE IDENTIFIED ESTABLISHMENT - THE TYPE OF BUSINESS DESCRIBED BELOW		
10.	Type(s) of Alcohol to be sold under the License (*X one):	<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer
11.	Extent of Food Service: (*X one)	<input type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input checked="" type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)
12.	Type of Establishment: (*X all that apply)	<input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input checked="" type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):
13.	Proposed Outdoor Area(s):	<input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (*X one):	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
15.	Application Serial Number:	N/A
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	TBR LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	TBR LOUNGE
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:	2424 BAILEY AVENUE
19.	City, Town, or Village:	BUFFALO NY Zip Code: 14215
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:	FIRST + BASEMENT
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:	7
22.	Business Telephone Number of the Applicant:	716-533-2887
23.	Business Fax Number of the Applicant:	
24.	Business E-Mail Address of the Applicant:	
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED		
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (*X one)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If "YES", SKIP items No. 27, 28, 29, & 30 Go directly to Item No. 31, and complete the form. If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete the form.
27.	Building Owner's Full Name is:	GEORGE SALTER
28.	Building Owner's Street Address:	2424 BAILEY AVE
29.	City, Town, or Village:	BUFFALO NY Zip Code: 14215
30.	Business Telephone Number of Building Owner:	716-892-3368



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a Local Municipality or Community Board
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME.
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	N/A
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	TBR LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	TBR LOUNGE

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM 31 or 32, SKIP ITEMS NO. 33 and 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, and 40.
IF YOU ANSWERED "NO" TO ITEMS 31 and 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 and 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	

IF YOU ANSWERED "YES" TO ITEM NO. 31 or 32 or 33 or 34, THEN PLEASE ANSWER ITEMS NO. 35 and 36 and 37 and 38 and 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION:

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	EDRUE SALTER ADM OF ESTATE OF NORHA L. SALTER	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:	THE NIGHT OWL	I Don't Know <input type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	3005085	I Don't Know <input type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	ON PREM LIQUOR	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:	716-892-3368	I Don't Know <input type="checkbox"/>

40. If the Original Application is approved, I am the Person who will hold the License or I am a Principal of the Legal Entity that will hold the License. Representations in this form are in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

Printed Name	Title	Signature
Heidi Bowens	President	x Heidi Bowens

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Sole Food Service Enterprises, LLC

5110 Main Street Suite 125

Williamsville NY 14225

716-362-0356

Buffalo NY Common Council

65 Niagara Square # 1413
Buffalo, NY 14202-3318

To Whom It May Concern;

With respect and in accordance with the requirements of the New York State Liquor Authority, Sole Food Service Enterprises, LLC (dba Sole) is notifying you of our intent to apply for relocation of our liquor license from 5110 Main Street Williamsville NY to the location of 810 Elmwood Buffalo NY (north district).

This letter serves to satisfy that requirement of notification.

Sincerely,

Sole Food Service Enterprises, LLC

Alan F. Lawson

Company Manager

Cc SLA, MC



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
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in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 1 of 2)

1.	Date the Original copy of this Notice was Mailed to the Local Municipality or Community Board:		2	0					
THIS 30-DAY ADVANCE NOTICE IS BEING MAILED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD:									
2.	Name of the Local Municipality or Community Board:		BUFFALO Common Council						
3.	Street Address of Local Municipality or Community Board:		65 Niagara Sq #1413						
4.	City, Town, or Village:		BUFFALO		NY		Zip Code: 14202-3316		
5.	Telephone Number of Clerk of Local Municipality or Community Board:		716-851-5116						
ATTORNEY REPRESENTING THE APPLICANT IN CONNECTION WITH THE APPLICANT'S ORIGINAL (FIRST) ON-PREMISES ALCOHOLIC BEVERAGE LICENSE APPLICATION FOR THE ESTABLISHMENT IDENTIFIED IN THIS NOTICE									
6.	Attorney's Full Name is:		BRIAN LEWANDOWSKI						
7.	Attorney's Street Address:		721 CENTER ROAD						
8.	City, Town, or Village:		WEST SENeca		NY		14224 Zip Code:		
9.	Business Telephone Number of Attorney:		716-674-4710						
THE APPLICANT WILL FILE AN ORIGINAL (FIRST) APPLICATION FOR AN ON-PREMISES ALCOHOLIC BEVERAGE LICENSE IN ORDER TO CONDUCT WITHIN THE IDENTIFIED ESTABLISHMENT THE TYPE OF BUSINESS DESCRIBED BELOW									
10.	Type(s) of Alcohol to be sold under the License (* one):		<input type="checkbox"/> Beer Only <input type="checkbox"/> Wine and Beer Only <input checked="" type="checkbox"/> Liquor, Wine, and Beer						
11.	Extent of Food Service: (* one)		<input checked="" type="checkbox"/> Restaurant (Sale of Food Primarily; Full Food Menu; Kitchen run by Chef) <input type="checkbox"/> Tavern-Restaurant (A mixed-use establishment that has both a sit-down dining area and a "stand-up" bar where patrons may receive direct deliveries of alcohol) <input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)						
12.	Type of Establishment: (* all that apply)		<input type="checkbox"/> Hotel <input type="checkbox"/> Live Music <input type="checkbox"/> Disk Jockey <input type="checkbox"/> Juke Box <input type="checkbox"/> Patron Dancing (Small Scale) <input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club) <input type="checkbox"/> Capacity for 600 or more patrons <input type="checkbox"/> Club (e.g. Golf / Fraternal Org.) <input type="checkbox"/> Bed & Breakfast <input type="checkbox"/> Catering Facility <input type="checkbox"/> Stage Shows <input type="checkbox"/> Topless Entertainment <input type="checkbox"/> Other (Specify):						
13.	Proposed Outdoor Area(s):		<input checked="" type="checkbox"/> None <input type="checkbox"/> Rooftop <input type="checkbox"/> Patio or Deck <input type="checkbox"/> Freestanding Covered Structure <input type="checkbox"/> Garden / Grounds <input type="checkbox"/> Other (Specify):						
14.	Will the proposed License Holder or a Manager be physically present within the establishment during All Hours of Operation? (* one):		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						
15.	Application Serial Number:		3131795						
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:		SOLE FOOD SERVICE ENTERPRISES LLC						
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:		SOLE						
18.	The Applicant's proposed Licensed Establishment is located within the building which has the following Street Address:		810 ELMWOOD AVE (FRONT)						
19.	City, Town, or Village:		BUFFALO		NY		Zip Code: 14222		
20.	The proposed Licensed Establishment will be located on the following floor(s) of the building at the above address:		1st + 2nd						
21.	Within the building at the above address, the proposed Licensed Establishment will be located within the room(s) numbered as follows:								
22.	Business Telephone Number of the Applicant:		716-362-0356						
23.	Business Fax Number of the Applicant:		716-362-0359						
24.	Business E-Mail Address of the Applicant:		ALANLAWSON@ROADRUNNER.COM						
25.	IF YOU KNOW - Was there ever an alcoholic beverage license in effect for the space where you intend to operate your licensed establishment?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> I Don't Know <input type="checkbox"/>						
OWNER OF THE BUILDING IN WHICH THE PROPOSED LICENSED ESTABLISHMENT WILL BE LOCATED									
26.	Does the Applicant own the building in which the proposed Licensed Establishment will be located? (* one)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			If "YES", SKIP items No. 27, 28, 29, & 30. Go directly to Item No. 31, and complete the form. If "NO", ANSWER items No. 27, 28, 29, & 30. Then continue to Item No. 31, and complete this form.			
27.	Building Owner's Full Name is:		The Neighborhood Collective, INC.						
28.	Building Owner's Street Address:		810 ELMWOOD AVE						
29.	City, Town, or Village:		BUFFALO		NY		Zip Code: 14222		
30.	Business Telephone Number of Building Owner:		716-713-1905						



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

Standardized **ORIGINAL APPLICATION NOTICE FORM** for Providing a
30-Day Advance Notice to a **Local Municipality or Community Board**
in connection with the submission to the State Liquor Authority of the
Applicant's Original (First) On-Premises Alcoholic Beverage License Application
for the Establishment Identified in this Notice (Page 2 of 2)

IN ORDER TO MAKE SURE THAT PAGES 1 AND 2 OF YOUR NOTICE ARE NOT SEPARATED OR MISPLACED,
PLEASE RE-ENTER IMMEDIATELY BELOW THE INFORMATION REGARDING YOUR APPLICATION SERIAL NUMBER, NAME, AND TRADE NAME
YOUR COURTESIES ARE APPRECIATED

15.	Application Serial Number:	3131799
16.	The Applicant's Full Name, as it will appear in the application for the On-Premises Alcoholic Beverage License, is:	Sole Food Service ENTERPRISES LLC
17.	The Full Name of the Applicant's proposed licensed Establishment (the Trade Name under which the proposed Licensed Establishment will conduct business) is:	Sole

INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT IS CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT

31.	IF YOU KNOW - Is a business that is licensed to sell alcoholic beverages currently being conducted in the space where you intend to operate your licensed establishment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	I Don't Know <input type="checkbox"/>
32.	Are you buying any asset(s) owned by the operator of the licensed business currently being conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED YES TO ITEM 31 OR 32, SKIP ITEMS NO. 33 AND 34. GO DIRECTLY TO ITEMS NO. 35, 36, 37, 38, 39, AND 40.
IF YOU ANSWERED NO TO ITEMS 31 AND 32, PLEASE PROVIDE THE INFORMATION REQUESTED BY ITEMS NO. 33 AND 34.

IF A BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES IS NOT CURRENTLY BEING OPERATED IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS PROPOSED LICENSED ESTABLISHMENT, PLEASE PROVIDE
INFORMATION REGARDING ANY BUSINESS LICENSED TO SELL ALCOHOLIC BEVERAGES THAT WAS MOST RECENTLY OPERATED IN THE SPACE

33.	IF YOU KNOW - Was a business that was licensed to sell alcoholic beverages previously conducted in the space where you intend to operate your licensed establishment?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	I Don't Know <input type="checkbox"/>
34.	Are you buying any asset(s) owned by the operator of the licensed business that was most recently conducted in the space where you intend to operate your licensed establishment? (For example: good will, equipment, furniture, cookware, dishware, etc.)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

IF YOU ANSWERED YES TO ITEM NO. 31 OR 32 OR 33 OR 34, THEN PLEASE ANSWER ITEMS NO. 35 AND 36 AND 37 AND 38 AND 39.

INFORMATION ABOUT THE OPERATOR OF THE LICENSED BUSINESS CURRENTLY BEING CONDUCTED (OR MOST RECENTLY CONDUCTED) IN THE SPACE
WHERE THE APPLICANT INTENDS TO OPERATE HIS/HER/ITS LICENSED ESTABLISHMENT. PLEASE PROVIDE THE FOLLOWING INFORMATION

35.	IF YOU KNOW - The Full Name of the Operator of the licensed business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:	JUNIPER	I Don't Know <input type="checkbox"/>
36.	IF YOU KNOW - The Full Name of the licensed Establishment (the Trade Name) now being operated (or that was most recently operated) in the space where you intend to operate your licensed establishment:		I Don't Know <input checked="" type="checkbox"/>
37.	IF YOU KNOW - The alcoholic beverage license serial number of the business now being conducted (or that was most recently conducted) in the space where you intend to operate your licensed establishment:		I Don't Know <input checked="" type="checkbox"/>
38.	IF YOU KNOW - The Type of Alcoholic Beverage License held by the current (or most recent) licensed operator:	Full Liquor	I Don't Know <input type="checkbox"/>
39.	IF YOU KNOW - Telephone Number of the current licensed operator or the most recent licensed operator:		I Don't Know <input checked="" type="checkbox"/>
40.	If the Original Application is approved, I am the Person who will hold the license or I am a Principal of the Legal Entity that will hold the license. Representations in this form are made in full conformity with representations made in documents that have been submitted (or documents that will be submitted) to the State Liquor Authority, and relied upon by the Authority. I understand that representations made in this form will be also relied upon by the Authority, and that false representations in any document submitted to the Authority may result in revocation of any license that may be issued. By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.		
Printed Name		Title	Signature
MAURA CRAWFORD		Member	X MAURA CRAWFORD

No.

Reports of Attendance

I transmit herewith communications received by me, from the various boards, commissions, agencies and authorities reporting the membership attendance at their respective meetings:

Board of Ethics

Records Management Board

Board of Parking

Board of Stadium and Auditorium

X Buffalo Sewer Authority

City Planning Board

Civil Service Commission

Committee on Drug Abuse Services

Commission on Human Relations

Consumer Electronics Board

Emergency Medical Services Board

Examining Board of Plumbers

Home Improvement Advisory Board

Municipal Housing Authority

Youth Board

Zoning Board of Appeals
RECEIVED AND FILED

January 25, 2011

25

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#1 SINGLE PAGE COMMUNICATION TO THE COMMON COUNCIL

TO: THE COMMON COUNCIL: DATE January 5, 2011

FROM: DEPARTMENT BUFFALO SEWER AUTHORITY

DIVISION ADMINISTRATIVE

SUBJECT [: BOARD ATTENDANCE

[:

[:

ENTER PRIOR COUNCIL REFERENCE: (IF ANY) [:

This is to advise you that Board Members as follows were present at the Regular Meeting of the Buffalo Sewer Authority held on January 5, 2011, in Room 1038 City Hall:

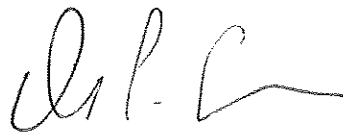
Herbert L. Bellamy, Jr., Chairman
Christopher Roosevelt, Assistant Vice Chairman
John E. Kennedy, Jr., Assistant Secretary
John D. Kennedy, Sr., Vice Chairman
Eleanor C. Wilson-DiVincenzo, Secretary

Absent: None

DEPARTMENT HEAD NAME: DAVID P. COMERFORD

TITLE: GENERAL MANAGER

SIGNATURE OF DEPARTMENT HEAD: _____



Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 14, 2011**

in the Department of **Common Council**

Division of **Ellicott District**

to the Position of **Legislative Assistant**

Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**

Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**

Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**

(Enter Starting Salary) : Starting Salary of **\$ 41,163**

LAST JOB TITLE	NAME	Vernee Shaw
LAST DEPARTMENT	ADDRESS	77 Urban St
LAST SALARY	CITY & ZIP	Buffalo 14211
LAST 4 DIGITS OF SSN. XXX-XX-7214		

LAST JOB TITLE	NAME	
LAST DEPARTMENT	ADDRESS	
LAST SALARY	CITY & ZIP	
LAST 4 DIGITS OF SSN. XXX-XX-		

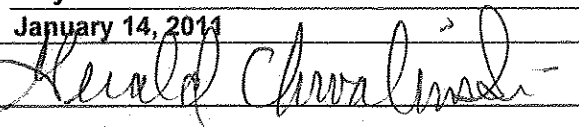
BUDGET ORG. CODE	TITLE CODE NO	3580
BUDGET ACCT. OBJ.	PERSONNEL REQ. NO	5135
SALARY RANGE OF POSITION	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald Chwalinski**

TITLE OF APPOINTING. AUTHORITY: **City Clerk**

DATE: **January 14, 2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

ADOPTED

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 14, 2011**
in the Department of **Common Council**
Division of **Ellicott District**
to the Position of **Legislative Aide**
Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
(Enter Starting Salary) : Starting Salary of **\$ 36,242**

LAST JOB TITLE	NAME	Deborah Tucker
LAST DEPARTMENT	ADDRESS	83 Urban St
LAST SALARY	CITY & ZIP	Buffalo 14211
LAST 4 DIGITS OF SSN. XXX-XX-5101		

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

BUDGET ORG. CODE	TITLE CODE NO	2690
BUDGET ACCT. OBJ.	PERSONNEL REQ. NO	5134
SALARY RANGE OF POSITION	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald Chwalinski**
TITLE OF APPOINTING. AUTHORITY: **City Clerk**
DATE: **January 14, 2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

ADOPTED

No.

Notices of Appointments - Council Interns

I transmit herewith appointments to the position of Council Intern.

Mr. Fontana moved the approval of the appointments to the position of Council Intern.

ADOPTED.

162

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 14, 2011**
in the Department of **Common Council**
Division of **Ellicott District**
to the Position of **Intern VI**
Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
(Enter Starting Salary) : Starting Salary of **\$ 10.00**

LAST JOB TITLE
LAST DEPARTMENT
LAST SALARY
NAME
ADDRESS
CITY & ZIP
DATE
LAST 4 DIGITS OF SSN. **XXX-XX-3140**
Felicia Williams
1130 Walden Ave Apt 2
Buffalo 14211

LAST JOB TITLE
LAST DEPARTMENT
LAST SALARY
NAME
ADDRESS
CITY & ZIP
DATE
LAST 4 DIGITS OF SSN. **XXX-XX-**

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE
BUDGET ACCT. OBJ.
SALARY RANGE OF POSITION
TITLE CODE NO
PERSONNEL REQ. NO
PER YEAR DAY HOUR
10102001 **PROJ. ID 412002** **1775**
5131
YEAR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: **Gerald Chwalinski**
TITLE OF APPOINTING. AUTHORITY: **City Clerk**
DATE: **January 14, 2011**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

161

No.

Notices of Appointments - Council Interns

I transmit herewith appointments to the position of Council Intern.

Mr. Fontana moved the approval of the appointments to the position of Council Intern.

ADOPTED.

28A

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 21, 2011**
 in the Department of **Common Council**
 Division of **Ellicott District**
 to the Position of **Interim**
 Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **UNCLASSIFIED**
 Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **EXEMPT**
 Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **FLAT**
 (Enter Starting Salary) : Starting Salary of **\$ 11.87**

LAST JOB TITLE	NAME	Janice White
LAST DEPARTMENT	ADDRESS	84 Avery Avenue
LAST SALARY	CITY & ZIP	Buffalo 14216
LAST 4 DIGITS OF SSN. XXX-XX-3840		

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE	TITLE CODE NO	1778
BUDGET ACCT. OBJ.	PERSONNEL REQ. NO	5132
SALARY RANGE OF POSITION	PER YEAR DAY HOUR	HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY: Gerald A. Chwalinski
 TITLE OF APPOINTING. AUTHORITY: City Clerk
 DATE: January 21, 2011

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)
 OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET
 #6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

28A

BF

00034

164

No.

Notices of Appointments - Seasonal/Flat

I transmit herewith certificates received by me, reporting seasonal and flat salary appointments made in various departments.

RECEIVED AND FILED.

January 25, 2011

29

W
165

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective:

1/18/11

in the Department of

Public Works

Division of

Streets

to the Position of

Laborer II

Permanent, Provisional, Temporary, Seasonal (Insert one)

SEASONAL

Appointment, Promotion, Non-Competitive (Insert one)

APPOINTMENT

Minimum, Intermediate, Maximum, Flat (Insert one)

FLAT

(Enter Starting Salary) : Starting Salary of:

\$11.87

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

Derek Koonce

460 High St. Rear

Buffalo, NY 14211

LAST 4 DIGITS OF SSN. XXX-XX-**4314**

LAST JOB TITLE

LAST DEPARTMENT

LAST SALARY

DATE

NAME

ADDRESS

CITY & ZIP

LAST 4 DIGITS OF SSN. XXX-XX-

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

BUDGET ORG. CODE

15030001

BUDGET ACCT. OBJ.

412002 PROJ. ID

SALARY RANGE OF POSITION

\$11.87

TITLE CODE NO

9624

PERSONNEL REQ. NO

2010-19

PER YEAR DAY HOUR

HOUR

REASON FOR APPT. ABOVE THE MINIMUM:

NAME OF APPOINTING AUTHORITY:

Steven J. Stepniak

TITLE OF APPOINTING AUTHORITY:

Commissioner

DATE:

12/29/10

SIGNATURE OF APPOINTING AUTHORITY:

William Hemold

ORIGINAL + 3 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #5- COMPTROLLER #6- HUMAN SERVICES/CIVIL SERVICE #7- BUDGET

#8- DEPARTMENT #9- DIVISION #10- EMPLOYEE(S)

00035

No.

Appointments - Temporary, Provisional or Permanent

I transmit herewith Appointments in the various departments made at the Minimum (Temporary, Provisional or Permanent) (as per contract requirements).

REFERRED TO THE COMMITTEE ON CIVIL SERVICE.

January 25, 2011

Certificate of Appointment

In compliance with provisions of Section 24-2 of the Charter and Chapter 35-1 of the Ordinances of the City of Buffalo, I transmit this certification of appointment(s) or promotion(s). I further certify that the person(s) named in Schedule "A" have been certified or approved by the Human Resources/Civil Service for the

Appointment Effective: **January 10, 2011**

in the Department of **Law**

Division of **Administrative Adjudication**

to the Position of **Legal Aide to Bureau of Administrative Adjudication**

Permanent, Provisional, Temporary, Seasonal, Exempt, Unclassified (Insert one) **PROVISIONAL**

Open-Competitive, Promotional, Non-Competitive, Exempt (Insert one) **OPEN-COMPETITIVE**

Minimum, Intermediate, Maximum, Flat, Hourly (Insert one) **MINIMUM**

(Enter Starting Salary) : Starting Salary of **\$ 31,754**

LAST JOB TITLE	N/A	NAME	Nancy Nicole Walker Renzoni
LAST DEPARTMENT	DATE	ADDRESS	20 Portland Street
LAST SALARY		CITY & ZIP	Buffalo NY 14220
LAST 4 DIGITS OF SSN. XXX-XX-			

LAST JOB TITLE	NAME
LAST DEPARTMENT	ADDRESS
LAST SALARY	CITY & ZIP
LAST 4 DIGITS OF SSN. XXX-XX-	

REFERRED TO THE COMMITTEE ON CIVIL SERVICE

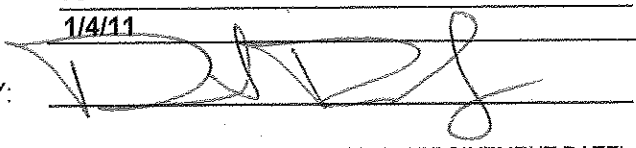
BUDGET ORG. CODE	10552001	TITLE CODE NO	5341
BUDGET ACCT. OBJ.	411001	PERSONNEL REQ. NO	2010-104
SALARY RANGE OF POSITION	31754 - 35127	PER YEAR DAY HOUR	YEAR

REASON FOR APPT. ABOVE THE MINIMUM: **N/A.**

NAME OF APPOINTING AUTHORITY: **DAVID RODRIGUEZ**

TITLE OF APPOINTING AUTHORITY: **ACTING CORPORATION COUNSEL**

DATE: **1/4/11**

SIGNATURE OF APPOINTING AUTHORITY: 

ORIGINAL + 2 COPIES TO: CITY CLERK (ON/BEFORE APPOINTMENT DATE)

OTHER COPIES TO: #3- COMPTROLLER #4- HUMAN SERVICES/CIVIL SERVICE #5- BUDGET

#6- DEPARTMENT #7- DIVISION #8- EMPLOYEE(S)

168

NON-OFFICIAL COMMUNICATIONS, PETITIONS AND REMONSTRANCES

NON-OFFICIAL COMMUNICATIONS

January 25, 2011

00036

FRACKING CONCERNS

Albert Brown
20 Lexington Ave Apt. 2A
Buffalo NY. 14222

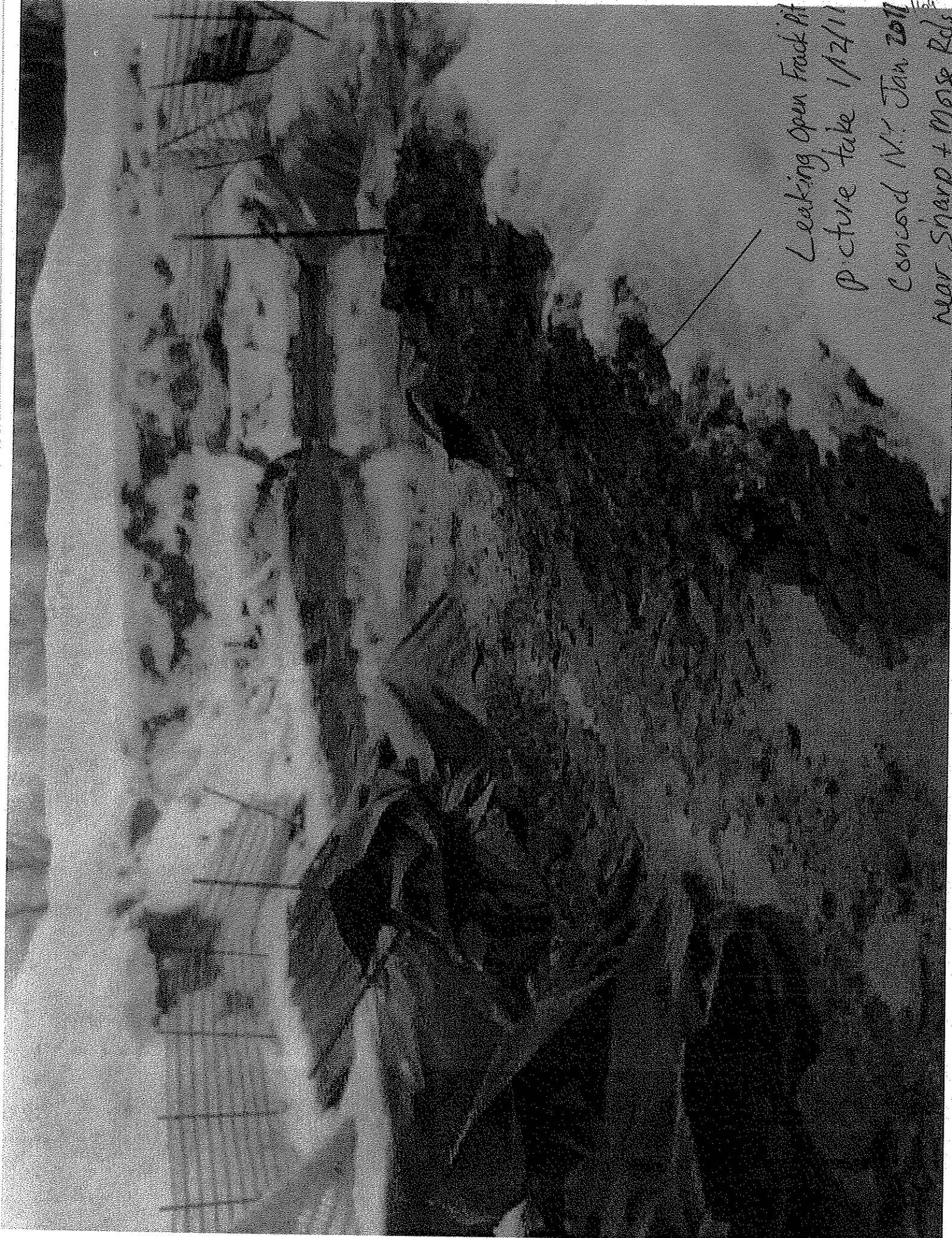
465-3927

beingsamadhi@gmail.com

REFERRED TO THE COMMITTEE
ON LEGISLATION.

31

Leaking Open Frack Pit
picture take 1/24/11
Concord N.Y. Jan 2011
near Sharp + Morse Rds



U.S. ENERGY DEVELOPMENT CORPORATION
2350 North Forest Road, Getzville, NY 14068
Tel: (716) 636-0401 or 1-800-636-7606
Fax: (716) 213-4340

Well Name: [REDACTED]

Date: 10/28/08

MEDINA WELL FRACTURE STIMULATION PROCESS/PROCEDURES

- 1) *This well will be fraced by Universal Well Services, Inc.*
- 2) Source of Fresh Water: Nearby(streams or ponds*)
*Approval for withdrawal from landowner if pond is used.
- 3) Planned Technique: Gel water fracture.
- 4) Purpose, Volume and Composition (chemically) of Additives Used:
 - a) Water: 40,000 gallons available, usually, 32,000 gallons used.
 - b) Sand: 60,000-75,000 pounds of 20/40 sand.
 - c) Acid: 1,000 gallons of 15% HCL used for the purpose of dissolving the cement which is on the outside of the casing. At the perforation intervals, the acid use facilitates lower breakdown and treating pressures. Also mixed in with the acid are Unihib A and Iron Check.
 - d) Surfactant: About 50 gallons used for the purpose of reducing the surface tension of the water and minimizing the water blocks. The trade name is "Flowmax 70"
 - e) Gel: About 750 pounds is used for the purpose of friction reduction and increasing the sand carrying viscosities and minimizing fluid loss into the formation matrix. The trade name is "Unigel 5F."
 - f) Gel Breaker: We use about .5 gallons of this material for the purpose of assisting the breakdown of the gel back to a one centipoise viscosity. The trade name of this material is "GBL-8X".
 - g) Clay Stabilizer: "Clay-chek LP" 24 gallons. Used to Prevent the migration of illite and feldspathic clays in the reservoir
 - h) Iron Stabilizer: "Iron-Sta-II" 24 gallons. Prevents the precipitation of ferric and ferrous iron in the reservoir.

All the chemicals used by Universal Well Services are presented on the MSDS sheets which are on file with NYS Division of Mineral Resources.
- 5) Flow back: We will direct the flow back to the lined pit.
- 6) Returned Fluids: We have found that we usually get about 25% return of the flow back fluids. We draw these fluids from the lined pit and transport to the Warren Pennsylvania Treatment Plant or Buffalo Sewer Authority in Buffalo, NY.

RECEIVED
MINERAL RESOURCES

OCT 30 2008

NYS ENVIRONMENTAL CONSERVATION
REGION 9 - ALLEGANY



Effective date: 11/13/2007
Report version 2.0

Material Safety Data Sheet

for UnihibA SP43X

1. PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME Product SP-43X

PRODUCT USE Corrosion Inhibitor

COMPANY MAILING ADDRESS Special Products
P.O. Box 27727
Houston, TX, 77227
USA

EMERGENCY TELEPHONE NUMBERS 24 HRS. 1-800-424-9300 (CHEMTREC)
1-703-527-3887 (CHEMTREC - International)
1-613-996-6666 (CANUTEC - Canada)
1-281-431-2561 (Special Products)

2. COMPOSITION/INFORMATION ON INGREDIENTS

SUBSTANCE	CAS-NO.	WEIGHT %
Methanol	67-56-1	10.0 - 30.0
C10 - C16 Ethoxylated Alcohol	68002-97-1	10.0 - 30.0
Isomeric Aromatic Ammonium Salt	Proprietary	5.0 - 10.0
Petroleum naphtha	64741-68-0	5.0 - 10.0
Light aromatic solvent naphtha	64742-95-6	5.0 - 10.0
2-substituted Aromatic Amine Salt	Proprietary	1.0 - 5.0
Kerosene	8008-20-6	1.0 - 5.0
Hydrotreated light distillates	64742-47-8	1.0 - 5.0
Kerosine (petroleum), hydrodesulfurized	64742-81-0	1.0 - 5.0
Isopropyl Alcohol	67-63-0	1.0 - 5.0
1,2,4-Trimethylbenzene	95-63-6	1.0 - 5.0
1,3,5-Trimethylbenzene	108-67-8	0.1 - 1.0
Diethylbenzene	25340-17-4	0.1 - 1.0
Cumene	98-82-8	0.1 - 1.0
Xylene	1330-20-7	0.1 - 1.0
Formaldehyde	50-00-0	0.1 - 1.0
Naphthalene	91-20-3	0.1 - 1.0

3. HAZARDS IDENTIFICATION

EMERGENCY OVERVIEW WARNING!

APPEARANCE & ODOR

Brown, Liquid, Acrid

HEALTH HAZARDS

Harmful, Irritant

PHYSICAL HAZARDS

Flammable, Material may be ignited by heat, sparks or flames.

ENVIRONMENTAL HAZARDS

Dangerous for the environment

CARCINOGENICITY

This product contains a component or components which may cause cancer. See Section 11 for details.

HEALTH HAZARDS**SKIN**

Irritating to skin.

EYE

Irritating to eyes.

INHALATION

Irritating to respiratory system.

INGESTION

Harmful if swallowed.

POTENTIAL ENVIRONMENTAL EFFECTS

Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

4. FIRST AID MEASURES**SKIN**

Wash off immediately with soap and plenty of water while removing all contaminated clothes and shoes. If symptoms persist, call a physician.

EYE

Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Call a physician immediately.

INHALATION

Move to fresh air. If symptoms persist, call a physician.

INGESTION

Obtain medical attention. Immediately give large quantities of water to drink. Never give anything by mouth to an unconscious person.

5. FIRE-FIGHTING MEASURES**FLASH POINT**

74 °F (23 °C) PMCC

EXTINGUISHING MEDIA

Water spray, alcohol-resistant foam, dry chemical or carbon dioxide.

SPECIAL HAZARDS

Vapors are heavier than air and may travel considerable distance along the ground or be moved by ventilation to ignition sources. Empty product containers may contain product residue. Do not pressurize, cut, heat, weld or expose containers to flame or other sources of ignition.

SPECIAL PROTECTIVE EQUIPMENT FOR FIRE FIGHTERS

Wear positive-pressure self-contained breathing apparatus (SCBA) and full protective fire fighting gear. Equipment should be thoroughly decontaminated after use.

HAZARDOUS COMBUSTION PRODUCTS

Combustion products may include carbon monoxide, carbon dioxide and nitrogen oxides.

FIRE FIGHTING / FURTHER ADVICE

Evacuate area and fight fire from safe distance. Use water spray to cool fire exposed structures and to protect personnel. Shut off source of flow if possible. If a leak or spill has not ignited, use water spray to disperse the vapors.

6. ACCIDENTAL RELEASE MEASURES**CLEAN UP METHODS**

Eliminate all ignition sources. No flares, smoking or flames in hazard area. Stop leak if you can do it without risk. Liquids may need to be neutralized before collection begins. Take up spill with sand or other noncombustible absorbent material and place in containers for later disposal. Always wear proper personal protective equipment when addressing spill or leak.

ENVIRONMENTAL PRECAUTIONS

Prevent product from entering drains (waterways). Toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

173

7. HANDLING AND STORAGE**GENERAL PRECAUTIONS**

Handle in accordance with good industrial hygiene and safety practices. These practices include avoiding unnecessary exposure and removal of material from eyes, skin and clothing. Wash thoroughly after handling. Avoid breathing vapor. Use only with adequate ventilation. Keep away from heat and sources of ignition. Take precautionary measures against static discharges.

STORAGE

Keep container closed when not in use. Store in cool, dry place.

8. EXPOSURE CONTROLS / PERSONAL PROTECTION**OCCUPATIONAL EXPOSURE LIMITS**

NAME	SOURCE	TYPE	PPM	MG/M3	NOTATION
Methanol	ACGIH	STEL	250		
		SKIN			*
	NIOSH	REL	200	260	
		STEL	250	325	
		SKIN			*
	OSHA ACGIH	PEL TWA	200 200	260	
Kerosene	ACGIH	TWA SKIN		200	FNT P *
	NIOSH	REL		100	
Hydrotreated light distillates	ACGIH	TWA SKIN		200	FNT P *
		REL		100	
	NIOSH ACGIH	TWA SKIN		200	FNT P *
Kerosine (petroleum), hydrosulfurized	ACGIH	TWA SKIN		200	FNT P *
	NIOSH	REL		100	
Isopropyl Alcohol	NIOSH	REL	400	980	
		STEL	500	1,225	
	OSHA	PEL	400	980	
	ACGIH	TWA	200		
		STEL	400		
1,2,4-Trimethylbenzene	NIOSH	REL	25	125	
	ACGIH	TWA	25		
1,3,5-Trimethylbenzene	NIOSH	REL	25	125	
	ACGIH	TWA	25		
Diethylbenzene	WEEL	TWA	5		

Cumene	ACGIH	TWA	50		
	NIOSH	REL	50	245	
		SKIN			*
	OSHA	PEL	50	245	
		SKIN			*
Xylene	ACGIH	TWA	100		
		STEL	150		
	OSHA	TWA	100	435	
		PEL	100	435	
		STEL	150	655	
	NIOSH	REL	100	435	
		STEL	150	655	
Formaldehyde	ACGIH	Ceiling	0.3		
	NIOSH	REL	0.016		
		Ceiling	0.1		
	OSHA	TWA	0.75		
		STEL	2		
		Action	0.5		
	NIOSH	REL	0.016		
		Ceiling	0.1		
Naphthalene	ACGIH	TWA	10		
		STEL	15		
		SKIN			*
	NIOSH	REL	10	50	
		STEL	15	75	
	OSHA	PEL	10	50	

* = Can be absorbed through the skin.

ENGINEERING MEASURES

Provide general and/or local exhaust ventilation, process enclosures or other engineering controls to control airborne levels below exposure guidelines.

RESPIRATORY PROTECTION

When respiratory protection is required, use an approved air purifying respirator or positive-pressure supplied-air respirator depending on potential airborne concentration.

HAND PROTECTION

Wear chemical-resistant gloves to prevent skin contact. Glove/protective clothing suppliers can provide recommendations for your specific applications. Wash immediately if skin is contaminated. Good personal hygiene practices such as properly handling contaminated clothing, using wash facilities before eating, drinking or smoking are essential for preventing personal chemical contamination. Contaminated gloves should be replaced.

EYE PROTECTION

Use chemical splash goggles, safety glasses and/or face shield. An emergency eye wash fountain should be located in immediate work area.

BODY PROTECTION

A safety shower should be located in the immediate work area. Remove contaminated clothing, wash skin with soap and water and launder clothing before reuse or dispose of properly.

9. PHYSICAL AND CHEMICAL PROPERTIES

FORM	Liquid
COLOR	Brown
ODOR	Acrid
ODOR THRESHOLD	Not available
BOILING POINT	Not available
POUR POINT	$\leq -35^{\circ}\text{F}$ ($\leq -37^{\circ}\text{C}$)
FLASH POINT	74 $^{\circ}\text{F}$ (23 $^{\circ}\text{C}$) PMCC
LOWER EXPLOSION LIMIT	Not available
UPPER EXPLOSION LIMIT	Not available
AUTOIGNITION TEMPERATURE	Not available
EVAPORATION RATE	Not available
pH	3.0 - 6.0
SOLUBILITY	Oil
RELATIVE VAPOR DENSITY (AIR = 1)	Not available
SPECIFIC GRAVITY (H ₂ O = 1)	0.9488 - 0.9788 @ 60 $^{\circ}\text{F}$ (16 $^{\circ}\text{C}$)
VAPOR PRESSURE	Not available
VISCOSITY	10 - 14 cPs
PARTITION COEFFICIENT (N-OCTANOL/WATER)	Not available

10. STABILITY AND REACTIVITY

STABILITY	Stable
CONDITIONS TO AVOID	Open flames, Sparks
MATERIALS TO AVOID	Strong oxidizers
HAZARDOUS DECOMPOSITION PRODUCTS	Oxides of carbon, nitrogen, and sulfur, Hydrogen chloride
HAZARDOUS POLYMERIZATION	Will not occur

11. TOXICOLOGICAL INFORMATION

No data is available on the product itself.

SUBSTANCE	SOURCE	GROUP	LIST ATTRIBUTE
CARCINOGENICITY			
Kerosene	ACGIH	Group A3	Confirmed animal carcinogen with unknown relevance to humans. Classification not possible from current data.
	IARC	3	
Hydrotreated light distillates	ACGIH	Group A3	Confirmed animal carcinogen with unknown relevance to humans.

	IARC	3	Classification not possible from current data.
Kerosine (petroleum), hydrodesulfurized	ACGIH	Group A3	Confirmed animal carcinogen with unknown relevance to humans.
	IARC	3	Classification not possible from current data.
Isopropyl Alcohol	ACGIH	Group A4	Not classifiable as a human carcinogen.
Xylene	IARC	3	Classification not possible from current data.
	ACGIH	Group A4	Not classifiable as a human carcinogen.
Formaldehyde	ACGIH		Sensitiser.
	ACGIH	Group A2	Suspected human carcinogen.
	NTP CARC		Anticipated carcinogen.
	OSHA		Potential cancer hazard.
	IARC	1	Human carcinogen.
Naphthalene	ACGIH	Group A4	Not classifiable as a human carcinogen.
	IARC	2B	Possible carcinogen.
	NTP CARC		Anticipated carcinogen.

TARGET ORGAN TOXICITY

Methanol Ingestion may cause blindness.

12. ECOLOGICAL INFORMATION

No data is available on the product itself.

13. DISPOSAL CONSIDERATIONS

ADVICE ON DISPOSAL Dispose of in accordance with local regulations.

14. TRANSPORT INFORMATION

Refer to the bill of lading or container label for DOT or other transportation hazard classification. Additionally, be aware that shipping descriptions may vary based on mode of transport, shipment volume or weight, container size or type, and/or origin and destination. Consult your company's Hazardous Materials / Dangerous Goods expert or your legal counsel for information specific to your situation.

15. REGULATORY INFORMATION**FEDERAL REGULATORY STATUS**

SARA HAZARD CATEGORY 1 - Acute, 2 - Chronic, 3 - Fire

CERCLA

SUBSTANCE	REPORTABLE QUANTITY
Methanol	5000 lbs
Cumene	5000 lbs
Xylene	100 lbs
Formaldehyde	100 lbs
Naphthalene	100 lbs

TSCA

This product contains a substance subject to TSCA Section 12(b) Export Notification Requirements. The exporter must submit a notice to the USEPA in accordance with 40 CFR Part 707.

STATE REGULATORY STATUS

CALIFORNIA PROPOSITION 65

KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER.

Formaldehyde	0.1536%
Naphthalene	0.1071%
Ethylbenzene	< 0.0005%
Benzene	< 0.0001%
Ethylene oxide	< 0.0001%

KNOWN TO THE STATE OF CALIFORNIA TO CAUSE BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

Toluene	< 0.0023%
Benzene	< 0.0001%
Ethylene oxide	< 0.0001%

STATE RIGHT TO KNOW

NEW JERSEY RIGHT-TO-KNOW CHEMICAL LIST

Cumene
Ethylbenzene
Ethylene oxide
Formaldehyde
Isopropyl Alcohol
Methanol
Naphthalene
Toluene
1,2,4-Trimethylbenzene
Xylene
Benzene

MASSACHUSETTS RIGHT-TO-KNOW CHEMICAL LIST

Kerosine (petroleum), hydrodesulfurized
1,3,5-Trimethylbenzene
Benzene
Xylene
1,2,4-Trimethylbenzene
Toluene
Naphthalene
Methanol
Kerosene
Isopropyl Alcohol
Hydrotreated light distillates
Formaldehyde
Ethylene oxide
Ethylbenzene
Cumene

PENNSYLVANIA RIGHT-TO-KNOW CHEMICAL LIST

Kerosine (petroleum), hydrodesulfurized
1,3,5-Trimethylbenzene
Benzene
Xylene
1,2,4-Trimethylbenzene
Toluene
Naphthalene
Methanol
Kerosene
Isopropyl Alcohol
Hydrotreated light distillates
Formaldehyde
Ethylene oxide
Ethylbenzene
Cumene

INVENTORY STATUS**NOTIFICATION STATUS**

TSCA

Listed or Exempt

16. OTHER INFORMATION**NFPA RATING**

HEALTH	2
FLAMMABILITY	3
INSTABILITY	0

Prepared By:
Preparation Date:

Product Stewardship
11/13/2007

The data and information contained herein are being furnished for informational purposes only, upon the express condition that each customer shall make its own assessment of appropriate use and appropriate shipping, transfer and storage materials and procedures for Special Products. Although based on information sources which Special Products considers accurate and reliable, Special Products makes no warranty, either express or implied, including any warranties or merchantability or fitness for a particular purpose, regarding the validity of this information, the information sources upon which the same are based, or the results to be obtained, and expressly disclaims liabilities for damages or injuries resulting from the use thereof.



VX9173

EMERGENCY TELEPHONE NUMBER
(800) 424-9300 (24 Hours) CHEMTREC

Flomax - 70

6/15/08

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME :

VX9173

APPLICATION :

SURFACTANT

Nalco Energy Services, L.P.
P.O. Box 87
Sugar Land, Texas
USA
77487-0087

NFPA 704M/HMIS RATING

HEALTH: 3 / 3 FLAMMABILITY: 3 / 3 INSTABILITY: 0 / 0

0 = Insignificant 1 = Slight 2 = Moderate 3 = High 4 = Extreme

2. COMPOSITION/INFORMATION ON INGREDIENTS

Our hazard evaluation has identified the following chemical substance(s) as hazardous.

Hazardous Substance(s)

Methanol
Methanol
SurfactantsToxic
Exposure Limit
Eye Irritant**3. HAZARDS IDENTIFICATION****EMERGENCY OVERVIEW****DANGER**

Flammable. Toxic by inhalation, in contact with skin and if swallowed. Irritating to eyes, respiratory system and skin. Harmful by inhalation and in contact with skin. Keep away from heat. Keep away from sources of ignition - No smoking. Keep container tightly closed. Do not get in eyes, on skin, on clothing. Do not take internally. Avoid breathing vapor. Use with adequate ventilation. In case of contact with eyes, rinse immediately with plenty of water and seek medical advice. After contact with skin, wash immediately with plenty of water. Wear suitable protective clothing.

PRIMARY ROUTES OF EXPOSURE

Eye Skin Inhalation

HUMAN HEALTH HAZARDS - ACUTE**EYE CONTACT**

Severely Irritating. If not removed promptly, will injure eye tissue and may result in permanent eye damage.

Nalco Energy Services, L.P. P.O. Box 87 Sugar Land 77487-0087 (630)305-1000

1 / 8

RECEIVED

AUG 21 2008

BUREAU OF OIL &
GAS REGULATION



VX9173

EMERGENCY TELEPHONE NUMBER
(800) 424-9300 (24 Hours) CHEMTREC

SKIN CONTACT

No adverse effects expected. Harmful if absorbed through skin.

INGESTION

Not a likely route of exposure. Toxic if swallowed. Harmful if swallowed.

INHALATION

Repeated or prolonged exposure may irritate the respiratory tract.

HUMAN HEALTH HAZARDS - CHRONIC

No adverse effects expected other than those mentioned above.

ENVIRONMENTAL HAZARDS

This product may pose a risk to the aquatic ecosystem if released. Keep out of waterways.

PHYSICAL AND CHEMICAL HAZARDS

Highly flammable.

4. FIRST AID MEASURES

EYE CONTACT

Immediately flush eye with water for at least 15 minutes while holding eyelids open. If symptoms develop, seek medical advice.

SKIN CONTACT

Immediately flush with plenty of water for at least 15 minutes. If symptoms develop, seek medical advice.

INGESTION

Do not induce vomiting without medical advice. If conscious, washout mouth and give water to drink. If reflexive vomiting occurs, rinse mouth and repeat administration of water. Get medical attention.

INHALATION

Remove to fresh air, treat symptomatically. If symptoms develop, seek medical advice.

NOTE TO PHYSICIAN

Based on the individual reactions of the patient, the physician's judgement should be used to control symptoms and clinical condition.

5. FIRE FIGHTING MEASURES

Flash Point:

60.0 °F / 15.0 °C < 73.4 F / < 23 C

EXTINGUISHING MEDIA

Foam, Carbon dioxide, Dry powder, Other extinguishing agent suitable for Class B fires, For large fires, use water spray or fog, thoroughly drenching the burning material. Water mist may be used to cool closed containers.

FIRE AND EXPLOSION HAZARD

Nalco Energy Services, L.P. P.O. Box 87 Sugar Land 77487-0087 (630)305-1000

2 / 8



VX9173

EMERGENCY TELEPHONE NUMBER
(800) 424-9300 (24 Hours) CHEMTREC

Phase separation of the product may occur after prolonged storage. The top phase will be combustible hydrocarbon solvent. Flammable Liquid; may release vapors that form flammable mixtures at or above the flash point. Vapors can travel to a source of ignition and flash back. Empty product containers may contain product residue. Do not pressurize, cut, heat, weld, or expose containers to flame or other sources of ignition. May evolve oxides of carbon (COx) under fire conditions.

SPECIAL PROTECTIVE EQUIPMENT FOR FIRE FIGHTING

In case of fire, wear a full face positive-pressure self contained breathing apparatus and protective suit.

6. ACCIDENTAL RELEASE MEASURES**PERSONAL PRECAUTIONS**

Restrict access to area as appropriate until clean-up operations are complete. Use personal protective equipment recommended in Section 8 (Exposure Controls/Personal Protection). Stop or reduce any leaks if it is safe to do so. Ventilate spill area if possible. Remove sources of ignition. Ensure clean-up is conducted by trained personnel only. Do not touch spilled material. Have emergency equipment (for fires, spills, leaks, etc.) readily available. Notify appropriate government, occupational health and safety and environmental authorities.

METHODS FOR CLEANING UP

SMALL SPILLS: Soak up spill with absorbent material. Place residues in a suitable, covered, properly labeled container. Wash affected area. **LARGE SPILLS:** Contain liquid using absorbent material, by digging trenches or by diking. Reclaim into recovery or salvage drums or tank truck for proper disposal. Clean contaminated surfaces with water or aqueous cleaning agents. Contact an approved waste hauler for disposal of contaminated recovered material. Dispose of material in compliance with regulations indicated in Section 13 (Disposal Considerations).

ENVIRONMENTAL PRECAUTIONS

Prevent material from entering sewers or waterways. Spilled product may pose a risk to the aquatic ecosystem if released. If drains, streams, soil or sewers become contaminated, notify local authority.

7. HANDLING AND STORAGE**HANDLING**

Do not get in eyes, on skin, on clothing. Do not take internally. Use with adequate ventilation. Do not breathe vapors/gases/dust. Keep the containers closed when not in use. Have emergency equipment (for fires, spills, leaks, etc.) readily available. Ensure all containers are labeled. Do not use, store, spill or pour near heat, sparks or open flame.

STORAGE CONDITIONS

Store in suitable labeled containers. Store the containers tightly closed. Store away from heat and sources of ignition. Have appropriate fire extinguishers available in and near the storage area. Connections must be grounded to avoid electrical charges. Store separately from oxidizers.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION**OCCUPATIONAL EXPOSURE LIMITS**

Exposure guidelines have not been established for this product. Available exposure limits for the substance(s) are shown below.



VX9173

EMERGENCY TELEPHONE NUMBER
(800) 424-9300 (24 Hours) CHEMTREC

OCCUPATIONAL EXPOSURE LIMITS

ACGIH/TLV

Methanol

AIHA/WEEL

Methanol

Manufacturer's Recommendation

Methanol

OSHA/PEL

Methanol

GENERAL ADVICE

The use and choice of personal protection equipment is related to the hazard of the product, the workplace and the way the product is handled. In general, we recommend as a minimum precaution that safety glasses with side-shields and workclothes protecting arms, legs and body be used. In addition any person visiting an area where this product is handled should at least wear safety glasses with side-shields.

RESPIRATORY PROTECTION

If significant mists, vapors or aerosols are generated an approved respirator is recommended. An organic vapor cartridge with dust/mist prefilter or supplied air may be used. In event of emergency or planned entry into unknown concentrations a positive pressure, full-facepiece SCBA should be used. If respiratory protection is required, institute a complete respiratory protection program including selection, fit testing, training, maintenance and inspection.

HAND PROTECTION

Nitrile gloves Neoprene gloves PVC gloves Rubber gloves Butyl gloves

SKIN PROTECTION

Wear chemical resistant apron, chemical splash goggles, impervious gloves and boots. A full slicker suit is recommended if gross exposure is possible.

EYE PROTECTION

When handling this product, the use of splash chemical goggles is recommended.

HYGIENE RECOMMENDATIONS

Eye wash station and safety shower are necessary. Keep a safety shower available. If clothing is contaminated, remove clothing and thoroughly wash the affected area. Launder contaminated clothing before reuse.

9. PHYSICAL AND CHEMICAL PROPERTIES

PHYSICAL STATE	Liquid
APPEARANCE	Clear
ODOR	Bland
Flash Point	60.0 °F / 15.0 °C < 73.4 F/ < 23 C

Rev. Gloria Caver-Bell 00037

(I)

CEO "A Voice For the People"
Movement

18th 2009

P.O. Box 922

Buffalo, NY 14209

July 1, 2009

CONCERNS
PARKING TICKETS

Beloved Council Members
Council Chambers Hall
City Hall
Buffalo, NY 14202

Dear Members:

I was informed your board approves
all request of The Parking violation
Department director Lenky Sciolino.
For the last past years I've gotten
parking ticket unfairly, illegally charge
a. May 6, 2009 I got a ticket - \$10.00
because I put enough money to
cover 2 hours social service
detained me for social service
misconduct at my expense.

31A

27

(2)
184 230

I feel your unfair to approve
Parking violation Dept to continually
to charge me (the people) \$10.00 to appeal
quality decisions.

- 1.) Waive \$10.00 fee for appeal decisions.
- B.) I got a ticket on Jeereteeth Day
3 years ago. I appealed pay \$10.00
I went before 3 judges
~~the~~ discussion by your judge
fabricated and said, "Where I
was parked (Northampton & ~~the~~ Kehr)
ignored, unfair Street
claiming was not in the radius not true!
- 2.) I'm requesting for fair (investigation,
I will provide ~~judges~~ name to stop
down. 3 years ago.

3.) Notified me (the people) when a
meeting in front of the members
for public or Create a meeting
at least 3 times or more within
the year (ends).

CC: the People

Yours Truly, Rev. Gloria Cameron Hill
Please call leave message
(716) 844-8849

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE DEPARTMENT OF PARKING

2000 JUN 31 PM 15:58
716 844-8849
LIFE

Memorandum

To: ~~Deputy City Clerk Gerald Chwalinski~~

From: Program Packaging and Development Services (PPDS) Provider

Date: January 11, 2011

Regarding: Board Packet Documents

Attached are the following documents from the Joint Schools Construction Board meeting scheduled on January 10, 2011:

1. Draft Agenda
2. Meeting Minutes from JSCB Meeting dated December 6, 2010
3. Fully Executed Phase III Application and Certificate for Payment No. 44 – November 2010
4. Fully Executed Phase IV Application and Certificate for Payment No. 29 – November 2010
5. Phase III Application and Certificate for Payment No. 45 – December 2010
6. Phase IV Application and Certificate for Payment No. 30 – December 2010
7. Phase V Application and Certificate for Payment No. 13 – December 2010
8. Program Packaging and Development Services (PPDS) Provider Update
9. Bevlar & Associates Inc. Construction Contract Monitoring and Compliance Services Monthly Report for Addendum 1 Phase IV Project – November 2010
10. Inclusion Development Associates, Inc. Construction Contract Compliance Monitoring Monthly Report for Phase IV– November 2010

**REFERRED TO THE SPECIAL
COMMITTEE ON EDUCATION**

32

Copy available for review in the City Clerk's Office

274

FINANCE

(Michael P. Kearns, Chairman)

00056

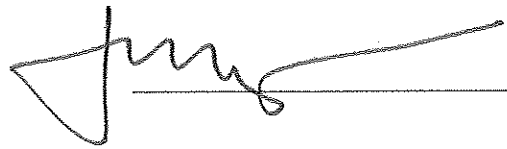
Comprehensive Annual Financial Report Fiscal Yr Ended June 30, 2010(Compt)
Cep# 12, 11/16

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Recommended by the Committee on Finance

A handwritten signature in black ink, appearing to be "J. Kearns", written over a horizontal line.

00057

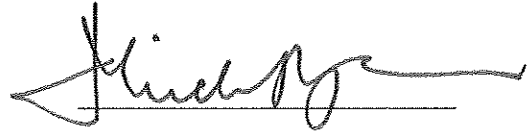
Drug Asset Forfeiture Annual Certification Report & Audit FY 2010(Pol)
Ccp# 2, 01/11

276

Mr. Kearns moved

That the above item be the same and hereby is Received and Filed.

ADOPT

A handwritten signature in black ink, appearing to read "Kearns", written over a horizontal line.

Recommended by the Committee on Finance

7

Policy for Selling Surplus, Worn-Out and Obsolete City-Owned Assets
(Item No. 158, C.C.P., June 8, 2010)

That the Common Council supports the above resolution for the sale of surplus, worn-out and obsolete city-owned assets.

Adopted.

Recommended by the Committee on Finance



Chairman



278

COMMUNITY DEVELOPMENT
(Michael J. LoCurto, Chairman)

00059

279

E. Harris-Concerns Management at Marine Dr. Apartments
(#30, 04/13)

That the above item is hereby referred to the Special Committee on Waterfront Development.

ADOPTED

Recommended by the Committee on Community Development

m. j. l. h.

9

LEGISLATION

(Joseph Golombek Jr., Chairman)

280

Food Store License – 860 William
(Item No. 13, C.C.P., Jan. 11, 2011)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

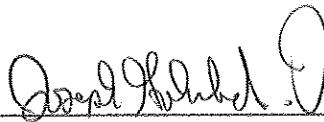
Mr. Golombek moved:

That pursuant to Chapter 194 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to grant a Food Store License to Sharif Saeed, located at 860 William d/b/a Lucky's with the following conditions:

1. The store hours are to be 10:00 am to 10:00 pm.
2. There should be no advertisements or anything else blocking or covering windows at the store.
3. There are to be no vehicles parked on the sidewalk.

Passed.

Recommended by the Committee on Legislation



Chairman

REC 07

10

Mr. Golombek moved that the above item be recommitted to the Committee on Legislation

ADOPTED

00061

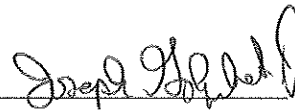
282

Response to CC Req. Amending Ch 511-CCP#73, 74, 75 12/14/10- Special Zoning Dist.,
Private Clubs and General Merch. Stores (EDPI)
(#14, 1/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation



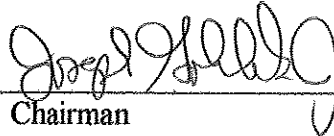
11

Restaurant Dance Class IV – 3270 Main Street
(Item No. 15, C.C.P., Jan. 11, 2011)

That pursuant to Chapter 150 of the City Code, the Commissioner of Economic Development, Permit and Inspections Services be, and he hereby is directed to deny a Restaurant Dancing Class IV License to Brian Schmid d/b/a Checkers located at 3270 Main Street.

Δ END

Recommended by the Committee on Legislation


Chairman

Second Hand License – 1673 Broadway
(Item No. 17, C.C.P., Jan. 11, 2011)

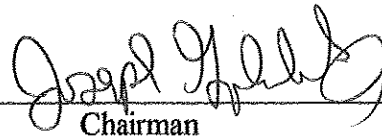
That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Dave McNichol d/b/a SEI Aaron's located at 1673 Broadway.

Passed.

Recommended by the Committee on Legislation


Chairman

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286

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
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3/4 - 7

Sidewalk Café – 189 Delaware
(Item No. 18, C.C.P., Jan. 11, 2011)

That the above item be, and the same hereby is returned to the Common Council without recommendation.

Mr. Golombek moved:

That pursuant to Chapter 150 of the City Code, the Commissioner of Permit and Inspection Services be, and he hereby is authorized to issue a "Mere License" to Fouad Badawy, applicant, located at 189 Delaware Avenue, d/b/a Kings Court Lounge to install a 9 x 12 sidewalk café with a railing, which would encroach city right-of-way at said address, subject to the conditions imposed by the Commissioner.

Passed.

Recommended by the Committee on Legislation


Chairman

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
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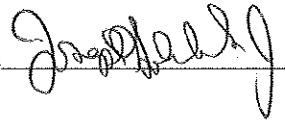
00065

A. Schineller-Appeal Preservation Bd Decision Regarding 888 Main St.
(#34, 1/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in dark ink, appearing to read "J. Schineller", is written over a horizontal line.

15

240

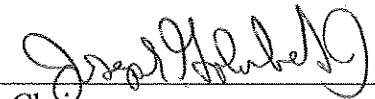
A. Komaneky, Petition to Use 1700 Kenmore – Erect Pole Sign in a M-1 Zone
(Item No. 36, C.C.P., Jan. 11, 2011)

That the petition of A. Komaneky, agent, for permission to use 1700 Kenmore to erect a 7' x 10' x 20' high pole sign be, and hereby is approved with the following conditions:

1. That the pole sign is a maximum height of 18 ft.
2. That the area of the pole sign is to be no more than 70 sq. ft.
3. That the Petitioner provide landscaping at the base of the pole sign.

Passed.

Recommended by the Committee on Legislation


Chairman

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16

291

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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Maj - 5
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3/4 - 7

298

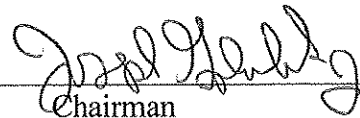
A. Komanecky, Petition to Use 3364 Bailey – Erect 1 Story Masonry
Store & Fence Exceeding Height Restrictions
(Item No. 37, C.C.P., Jan. 11, 2011)

That the petition of A. Komanecky, agent, for permission to use 3364 Bailey to erect a fence exceeding height restriction be, and hereby is approved with the following conditions:

1. That the pole sign is a maximum height of 16 ft.
2. That the area of sign is to be no more than 50 sq. ft.
3. That the Petitioner provide landscaping at the base of sign.

Passed.

Recommended by the Committee on Legislation


Chairman

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293

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Joseph H. H. H. H.



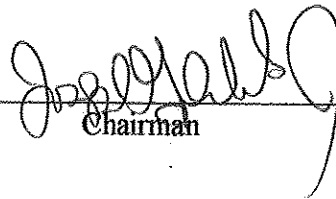
Revise Preservation Code
(Item No. 67, C.C.P., Dec. 28, 2010)

That the Acting Corporation Counsel draft an ordinance amendment including the following wording to Section 337-4(c) (1): "A quorum (of the Preservation Board) shall consist of a majority of the members. All decisions of the Preservation Board shall be made by a majority vote of the full membership. All decisions of the Preservation Board shall be made within 45 days, or such longer period of time as may be agreed to by the applicant consistent with this ordinance, but if the Preservation Board fails to act within 45 days, such failure to act shall be deemed a denial of the application."

That Section 337-21(c) be amended to read, "In case of a denial (by the Preservation Board), the Preservation Board shall state the reasons therefore and shall make recommendations concerning changes in the applicant's proposed action that would be grounds for reconsidering the application. An applicant may amend an application while it is being considered by the Preservation Board, but not reapply until at least six months from the date of the denial."

Adopted.

Recommended by the Committee on Legislation


Chairman

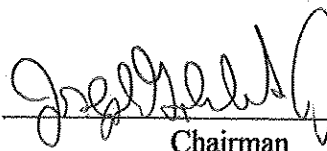
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Second Hand Dealer – 3411 Bailey
(Item No. 33, C.C.P., Oct. 5, 2010)

297
That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Maurice Thomas (Manager), d/b/a SEI Aaron's located at 3411 Bailey Avenue.

~~Passed.~~

Recommended by the Committee on Legislation


Chairman

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LECOM

297A

Mr. Golombek moved that the above item be recommitted to the Committee on Legislation

ADOPTED

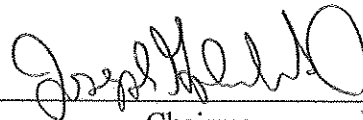
Second Hand Dealer – 729 Sycamore
(Item No. 16, C.C.P., Nov. 30, 2010)

That pursuant to Chapter 254 of the City Code, the Commissioner of Economic Development Permit and Inspection Services be, and he hereby is authorized to grant a Second Hand Dealer License to Abdul Fahah Majid d/b/a Lucky Market II located at 729 Sycamore with the following conditions:

1. That the operating hours of business should be 10:00 am to closing no later than 10:00 pm.
2. That the applicant provide landscaping at the base of the sign.

Passed.

Recommended by the Committee on Legislation



Chairman

299

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
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Maj - 5
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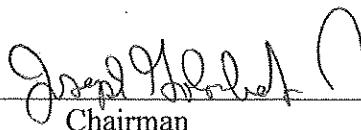
300

Creation of a Streets Coordinator
(Item No. 116, C.C.P., May 11, 2010)

That a Complete Streets Coordinator shall be credentialed with a minimum of a Master's Degree in urban planning, urban design, traffic engineering, or a related field, and have a minimum of one year professional experience in implementing or in advocating for Complete Streets, Traditional Neighborhood Design (TND), and/or Context Sensitive Design (CSD) policies; and

That among the duties of the Complete Streets Coordinator, these shall include the coordination between City departments, the Bicycle and Pedestrian Advisory Board and between governmental partners such as the GBNRTC, NFFA, and NYSDOT the for implementation of the City's Complete Streets Policy; the creation of a new citywide Street Design Manual, based on recent policy guides such as New York's Street Design Manual, Seattle's Right-of-Way Improvements Manual, and San Francisco's Better Streets Plan, that will be the policy guide for all public space improvements in the City of Buffalo; the integration of the City's Complete Streets Policy in City planning and project initiatives, including the upcoming Citywide Land Use Plan and Transportation Strategy; and the application for state, federal, and foundation grants to financially enable the City to proactively implement its Complete Streets Policy in every section of the city.

Recommended by the Committee on Legislation


Chairman

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ADOPT FINAL RESOLVES, REMAINDER TO STAY IN LEGISLATION

FINAL

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00073

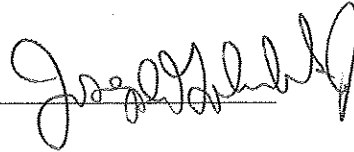
301

M. Madia-Req Change in Pkg Requirements Surrounding Five Businesses
(#64, 7/21)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Committee on Legislation

A handwritten signature in black ink, appearing to be "Joseph" followed by a stylized flourish.Handwritten initials or a signature, possibly "23" or "25", in black ink.

307

Special Committees

303

POLICE OVERSIGHT
(RICHARD A. FONTANA, CHAIRPERSON)

304

First Meeting of The Police Reorganization Commission-1/20/11 at 6 PM (CP)
(#4, 1/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

24

00075

305

D. Smith-Abuse by the NFTA Transit Authorities
(#25, 11/30)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

25

00076

206

Annual Report - 2008-2009 (Cit Rts)
(#45, 5/11)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

26

00077

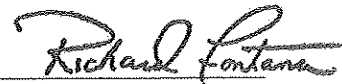
307

J. Golombek - S. Hoyt – Concerns Reg Closed D District Police Station
(#44, 3/16)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight



27

00078

308

D. Buschwald-Reg Police Camera at Intersection Genesee St & Floss Ave (Lov)
(#40, 2/16)

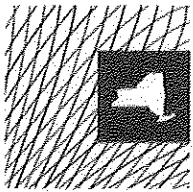
That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight



28



The
Business
Council

PROHIBIT
NATURAL GAS DRILLING^{COB}

187

January 19, 2011

Buffalo City Council
1308 City Hall
Buffalo, NY 14202

Members of the City Council:

The Business Council of New York State opposes this legislation-Ordinance Chapter 288-which would prohibit all natural gas drilling in the city of Buffalo.

First, this measure is unnecessary. There has not been any gas drilling in Buffalo for nearly 10 years and none of the recent activity surrounding the issue of hydraulic fracturing centers on Buffalo or its surrounding area.

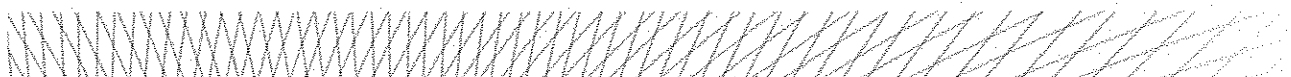
Second, natural gas drilling is safe. New York has been a leader in natural gas exploration and drilling for decades under the regulatory oversight of the Department of Environmental Conservation (DEC). The Department's ongoing and long-standing regulation of natural gas drilling has proven sufficiently protective of groundwater resources and will continue to be protective under the enhanced permitting requirements proposed in the DEC's Supplemental Generic Environmental Impact Statement (SGEIS).

Hydraulic fracturing, which has been the focus of the recent anti-drilling efforts in the state, is a proven technology that has allowed natural gas producers to safely and economically recover natural gas from deep shale formations across the country. It is vital to today's shale gas revolution, which is reducing reliance on foreign oil, lowering air emissions generated by dirty coal and vastly increasing America's supply of clean natural gas.

Thousands of horizontal wells have been drilled across the United States with hydraulic fracturing without contamination. Our neighbor to the south is a testament to the success of this drilling. Economic revitalization is underway across Pennsylvania's northern border.

Third, the bill's provisions are very broad, prohibiting **all** drilling in any gas formation, whether hydraulic fracturing is used or not. Since 1821, 75,000 wells have been drilled in this state. More than 90% of the hundreds of new wells permitted in New York State each year in formations other than Marcellus and Utica are developed using hydraulic fracturing. The Department issued more than 1,200 such permits in the past two years. Buffalo should not put itself in the position whereby gas drilling of any kind can never occur within the city.

32A



704

188

Finally, while there is no anticipated drilling activity in Buffalo, this sets a negative precedent for the rest of the state that drilling is unsafe to do anywhere, even as the Department continues to grant permits every year. This could have the effect of delaying economic development opportunities in other parts of the state, which will drive jobs and economic growth for many financially strapped communities and provide extraordinary end use savings for customers who burn clean, abundant and domestically produced natural gas.

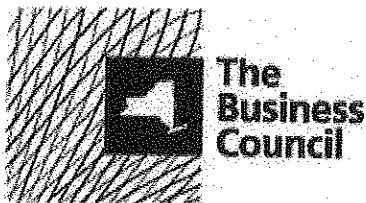
Natural gas production will yield extensive new job opportunities, provide increased state and local tax collections and boost local economies and provide long-term growth particularly to the Southern Tier, an area in desperate need of economic growth.

We encourage the City Council to reconsider this proposed ordinance. Only then will New York move toward achieving its long-term energy security goals, its environmental compliance objectives, and economic opportunities that are sure to follow natural gas development.

For these reasons the Business Council does not support this legislation, and urges the City Council to defeat this measure.

Sincerely,

MF



Marcus W. Ferguson, Esq.

Director of Government Affairs

The Business Council of New York State, Inc.

152 Washington Avenue

Albany, NY 12210

T 518.465.7511 X 212

F 518.465.4389

www.bcnys.org

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

00040 NEW MORTGAGES UNAVAILABLE
FOR PROPERTIES WITH
GAS DRILLINGS 189

Houses for shale

Published: June 3, 2010

New mortgages unavailable for properties with gas drilling leases, By Linda Fields

NORTHEAST Pa — Property owners may make money from leasing to Marcellus Shale gas drillers, and they may also find their property can't be financed for a new mortgage.

If gas is extracted and sold, the royalties can be lucrative; but what they may not know is that as long as a lease is intact, they may not be able to mortgage their property.

Broker Lori Rudalavage, who owns LA Mortgage in Clarks Summit, has been trying to sort out the policies being put into place at major banks. It hasn't been easy, and it concerns her.

"There are a lot of properties with leases in this area," Rudalavage notes. She adds, when it comes down to obtaining a mortgage on those properties, "more and more of [the banks] are saying, 'no, no, no.'"

When asked to comment for the record, Wells Fargo would only say it has "no opinion at this time."

But Rudalavage has been told that Wells Fargo would not be inclined to fund a property with a gas lease. In a memo, a top executive at the bank writes it would be "very difficult to obtain financing due to the potential hazard." The memo continues, "Also if the Gas Leasing is new to the area there are too many unknowns." One of the unknowns, according to the executive, is what the lease would do to "the marketability of a property."

Rudalavage has been told by First Place Bank that it would pass on financing a gas-leased property. She says Citizen's Savings & Loan has recently changed its policy from a "no deal" to a "maybe," explaining that for a fee of 350 dollars, its attorney would review the lease and make a determination. This makes Rudalavage worry.

"I do believe a lot of people signed leases without knowing it could hurt future selling or financing of the property." She hopes a uniform policy will be adopted in the financial banking industry.

"I think until a major bank takes a stand on it with a definitive policy - it's going to be whatever they're comfortable with. Even if you have a perfect credit score, you might not get financing," she said.

The Realtor's lament

How do you get a buyer to consider a purchase when they know the property might not be bankable?" asks Jennifer Canfield, a real estate broker in the Upper Delaware Valley. Canfield says she has been told by a customer that they were turned down for a home equity loan by GMAC because their property was under a gas lease. Canfield cites a long list of banks that won't fund leased properties, based upon environmental risk. She adds, "Some local banks might underwrite their own loans. But many people don't want someone else to decide for them where to get the loan." She likens the situation to a homeowner in a flood zone for whom flood insurance protection has been withdrawn. GMAC has not responded to a request for a comment.

33

190

In Pennsylvania, the mineral estate can be separate from the real estate, thus allowing a private contract (i.e., a lease) to be drawn up between a landowner and a gas exploration firm. Environmental and infrastructure concerns in connection with Marcellus Shale gas drilling have been well publicized. But putting environmental concerns aside, if such a lease leads to the lowering of real property values, the separation may not be so matter-of-fact.

According to James Leiser, a clerk at the Pike County Geographic Information Systems office, there are about 1,000 "Marcellus Shale" acres covered under five leases recorded in Pike County. But Leiser adds, his office hasn't seen any leases come through since September of 2008.

Water needs on hold

County Planning Director Sally Corrigan says all water withdrawal permits, needed for the water-reliant fracking process, have been put on hold by the Delaware River Basin Commission, which needs to examine fracking.

This makes little sense to Pennsylvania Department of Environmental Protection spokesperson Tom Rathbun, who said the hydraulic fracturing method has been used since the 1940's. He says that it isn't the amount of water used that potentially can cause trouble, but what happens at the drilling site.

"There needs to be proper erosion and sediment controls, the storage of waste has to be handled properly on the surface," Rathbun explains. He adds, the DEP also has to monitor well construction and the transportation of water. "All the talk about water withdrawals just diverts attention away from the real issues," Rathbun says. "The amount of water used in this state for recreation dwarfs what the gas industry uses."

Property devaluation hits tax revenues

Pike County Commissioner Karl Wagner Jr. says, "If a property owner cannot get a mortgage or sell their house because of gas lease, they could petition the Board of Appeals to have the fair market value of the property lowered." While that could result in lower taxes and less revenue for the county, Wagner says it is premature to worry. He notes that there is pending state legislation that would give counties the right to assess oil and gas interests for property tax purposes, and share in any new revenue from natural gas development through state levies such as a severance tax.

Canfield laments, "Even if sellers want to hand over the revenue derived from a future well, the clientele I've always relied upon don't care to come here for that. In my own case, the phone stopped ringing when it became widely known how many thousands of acres were signed up. It would be helpful if the same people who signed leases could see how much we have lost in revenue from property and home buyers who made use of local services, frequented retail shops and restaurants and hired local contractors for building and remodeling. We can someday, perhaps, recover from the economic downturn ...but leases run with the land."

http://www.strausnews.com/articles/2010/06/05/pike_county_courier/news/1.txt

REFERRED TO THE COMMITTEE
ON LEGISLATION.

Pa. allows dumping of tainted waters from gas boom

By DAVID B. CARUSO, Associated Press David B. Caruso, Associated Press Mon Jan 3, 2:48 pm ET

The natural gas boom gripping parts of the U.S. has a nasty byproduct: wastewater so salty, and so polluted with metals like barium and strontium, that most states require drillers to get rid of the stuff by injecting it down shafts thousands of feet deep.

Not in Pennsylvania, one of the states at the center of the gas rush.

There, the liquid that gushes from gas wells is only partially treated for substances that could be environmentally harmful, then dumped into rivers and streams from which communities get their drinking water.

In the two years since the frenzy of activity began in the vast underground rock formation known as the Marcellus Shale, Pennsylvania has been the only state allowing waterways to serve as the primary disposal place for the huge amounts of wastewater produced by a drilling technique called hydraulic fracturing, or fracking.

State regulators, initially caught flat-footed, tightened the rules this year for any new water treatment plants but allowed any existing operations to continue discharging water into rivers.

At least 3.6 million barrels of the waste were sent to treatment plants that empty into rivers during the 12 months ending June 30, according to state records. That is enough to cover a square mile with more than 8 1/2 inches of brine.

Researchers are still trying to figure out whether Pennsylvania's river discharges, at their current levels, are dangerous to humans or wildlife. Several studies are under way, some under the auspices of the Environmental Protection Agency.

State officials, energy companies and the operators of treatment plants insist that with the right safeguards in place, the practice poses little or no risk to the environment or to the hundreds of thousands of people who rely on those rivers for drinking water.

But an Associated Press review found that Pennsylvania's efforts to minimize, control and track wastewater discharges from the Marcellus Shale have sometimes failed.

For example:

- Of the roughly 6 million barrels of well liquids produced in a 12-month period examined by The AP, the state couldn't account for the disposal method for 1.28 million barrels, about a fifth of the total, because of a weakness in its reporting system and incomplete filings by some energy companies.
- Some public water utilities that sit downstream from big gas wastewater treatment plants have struggled to stay under the federal maximum for contaminants known as trihalomethanes, which can cause cancer if swallowed over a long period.
- Regulations that should have kept drilling wastewater out of the important Delaware River Basin, the water supply for 15 million people in four states, were circumvented for many months.

In 2009 and part of 2010, energy company Cabot Oil & Gas trucked more than 44,000 barrels of well

198
wastewater to a treatment facility in Hatfield Township, a Philadelphia suburb. Those liquids ultimately were discharged into a creek that provides drinking water to 17 municipalities with more than 300,000 residents. Cabot acknowledged it should not have happened.

People in those communities had been told repeatedly that the watershed was free of gas waste.

"This is an outrage," said Tracy Carluccio, deputy director of the Delaware Riverkeeper Network, an environmental group. "This is indicative of the lack of adequate oversight."

The situation in Pennsylvania is being watched carefully by regulators in other states, some of which have begun allowing some river discharges. New York also sits over the Marcellus Shale, but Gov. David Paterson has slapped a moratorium on high-volume fracking while environmental regulations are drafted.

Industry representatives insist that the wastewater from fracking has not caused serious harm anywhere in Pennsylvania, in part because it is safely diluted in the state's big rivers. But most of the largest drillers say they are taking action and abolishing river discharges anyway.

Cabot, which produced nearly 370,000 barrels of waste in the period examined by the AP, said that since the spring it has been reusing 100 percent of its well water in new drilling operations, rather than trucking it to treatment plants.

"Cabot wants to ensure that everything we are doing is environmentally sound," said spokesman George Stark. "It makes environmental sense and economic sense to do it."

All 10 of the biggest drillers in the state say they have either eliminated river discharges in the past few months, or reduced them to a small fraction of what they were a year ago. Together, those companies accounted for 80 percent of the wastewater produced in the state.

The biggest driller, Atlas Resources, which produced nearly 2.3 million barrels of wastewater in the review period, said it is now recycling all water produced by wells in their first 30 days of operation, when the flowback is heaviest. The rest is still sent to treatment plants, but "our ultimate goal is to have zero surface discharge of any of the water," said spokesman Jeff Kupfer.

How much wastewater is still being discharged into rivers is unclear. Records verifying industry claims of a major drop-off will not be available until midwinter.

Natural gas drilling has taken off in several states in recent years because of fracking and horizontal drilling, techniques that allow the unlocking of more methane than ever before.

Fracking involves injecting millions of gallons of water mixed with chemicals and sand deep into the rock, shattering the shale and releasing the gas trapped inside. When the gas comes to the surface, some of the water comes back, too, along with underground brine that exists naturally.

It can be several times saltier than sea water and tainted with fracking chemicals, some of which can be carcinogenic if swallowed at high enough levels over time.

The water is also often laden with barium, which is found in underground ore deposits and can cause high blood pressure, and radium, a naturally occurring radioactive substance.

In other places where fracking has ignited a gas bonanza, like the Barnett Shale field in Texas, the Haynesville Shale in Louisiana, and deposits in West Virginia, New Mexico and Oklahoma, the dominant disposal method for drilling wastewater is to send it back down into the ground via injection wells.

In some arid states, wastewater is also treated in evaporation pits. Water is essentially baked off by the sun, leaving a salty sludge that is disposed of in wells or landfills.

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[Related: Republican-led Congress to fight Obama pollution plan]

Operators of the treatment plants handling the bulk of the Pennsylvania waste say they can remove most of the toxic substances without much trouble, including radium and barium, before putting the water back into rivers.

"In some respects, it's better than what's already in the river," said Al Lander, president of Tunnelton Liquids, a treatment plant that discharges water into western Pennsylvania's Conemaugh River.

The one thing that can't be removed easily, except at great expense, he said, is the dissolved solids and chlorides that make the fluids so salty.

Those substances usually don't pose a risk to humans in low levels, said Paul Ziemkiewicz, director of the West Virginia Water Research Institute at West Virginia, but large amounts can give drinking water a foul taste, leave a film on dishes and give people diarrhea. Those problems have been reported from time to time in some places.

Those salts can also trigger other problems.

The municipal authority that provides drinking water to Beaver Falls, 27 miles northwest of Pittsburgh, began flunking tests for trihalomethanes regularly last year, around the time that a facility 18 miles upstream, Advanced Waste Services, became Pennsylvania's dominant gas wastewater treatment plant.

Trihalomethanes are not found in drilling wastewater, but there can be a link. The wastewater often contains bromide, which reacts with the chlorine used to purify drinking water. That creates trihalomethanes.

The EPA says people who drink water with elevated levels of trihalomethanes for many years have an increased risk of cancer and could also develop liver, kidney or central nervous system problems.

Pennsylvania's multitude of acid-leaching, abandoned coal mines and other industrial sources are also a major source of the high salt levels that lead to the problem.

Beaver Falls plant manager Jim Riggio said he doesn't know what is keeping his system off-kilter, but a chemical analysis suggested it was linked to the hundreds of thousands of barrels of partially treated gas well brine that now flow past his intakes every year.

"It all goes back to frackwater," he said.

http://news.yahoo.com/s/ap/20110103/ap_on_he_me/us_gas_drilling_frackwater_4

Radioactivity and Shale Gas: Some Like It Hot?

Posted December 1, 2010 by David Lewis

The shale deposits that have the US gas industry so excited were studied after WWII by the Atomic Energy Commission and declared to be the largest **uranium** resource in the US.

Because the gas industry is now going after gas by drilling into a uranium resource their new gas is contaminated with many times the radiation their former product contained.

According to Dr. V.E. Swanson, author of: Oil Yield and Uranium Content of Black Shales: "the amount of uranium in these shales is extremely large reckoned in **billions of tons** of metallic uranium."

Why aren't companies mining for uranium? There is a catch. Richer deposits were discovered.

Supposedly, when uranium becomes scarce they're going to mine it from sea water. But first, they'll go for what is in these shales. Sea water contains about 3 parts per **billion** uranium. The US shales that have all the new gas average out between 16 - 20 parts per **million** uranium, which is a concentration **5,000 times higher**.

The richest gas and uranium bearing shales are former shallow ocean bottoms. Hence the immense extent. A large area of the US happens to be former ocean bottom. Here is a world map showing the oceans as they looked in Cretaceous times:

Geologists call some deposits that were formerly the bottoms of these oceans "marine black shales". Bits of dead carbon based lifeforms and their wastes constantly rain down on ocean floors all over the world and accumulate along with clay and bits of rock as sediment. The organic matter preferentially absorbs, i.e. concentrates, some of the dissolved uranium that exists as parts per billion in all ocean water. Over millions of years a thick layer builds up. As conditions change layers of different composition build up on top which compress and heat the deposit. The organic matter is cooked into hydrocarbons: i.e. the gas and oil. The concentrated uranium sits there mixed in with it.

Hundreds of tons of uranium were refined from a shale deposit very similar to the US shales that contain gas, in Sweden from 1950s to the 1980s. (See page 22 in this paper.) The Alum Shale there, compared to all known shales here, is a bit higher grade if evaluated as a uranium deposit. It is now uneconomic to produce uranium from deposits of this type. Ore deposits that become uneconomic get reclassified from "reserve" status and are then called part of the "resource". As the world runs out of richer deposits, or if prices rise and/or new technology is discovered, parts of the "resource" are reclassified into parts of the "reserve" and mining begins again.

Whatever the classification scheme, all those billions of tons of uranium are in the US shales, intimately mixed in with all the new gas.

Shale gas was once a lowly "resource" like this. The DOE mapped it out just after the energy crisis in the early 1970s. The resource was found then to be colossal, but no one knew how to extract it economically. Higher prices and new technology ("fracking") turned the "resource" into a "reserve".

Uranium in shale tends to be most concentrated precisely where the greatest amount of gas in shale is. Perhaps you can see now where this article is headed. Studies were done on the same US shale formations from two very different perspectives, i.e. by those looking for uranium and by those looking for gas. I looked at both.

I was wondering how much radioactivity is in the new shale gas.

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A bit-o-background: all natural gas is contaminated with some radioactive radon gas. Radon is produced constantly as the uranium in all rocks undergoes radioactive decay. Natural gas extracted from a uranium deposit contains more radon than natural gas extracted from ordinary rocks. Radon decays rapidly which means it is highly radioactive. It lasts long enough to reach places where the natural gas is consumed, like your home. Burning it mixed with natural gas in, say, in a cookstove doesn't change it at all. It survives the flames and enters the room air where you can breathe it. If it decays in your lungs, the cells nearby are blasted with ionizing radiation at close range. This is one way cancer is known to be initiated.

There isn't a lot there. If you cook and heat with gas, you get exposed to a dose of radioactivity a mere 15 times what you'd be exposed to if you lived right next door to a nuclear reactor and you used nuclear electricity to cook and heat with instead of gas. Because reactors emit so little radiation, 15 times as much as what living next to a reactor exposes you to isn't dangerous.

The authorities I got the 15 times figure from put it online to show people who worry about nuclear reactors how safe they are. **They weren't trying to pin a label of radioactive danger on natural gas.** But how will people feel if the new gas exposes them to hundreds of times more radioactivity than a reactor?

Turning to the DOE study: Review of Rn222 In Natural Gas Produced From Unconventional Sources:

"If one were to assume that the US average concentration of 37 pCi/l of Rn²²² in natural gas were due to approximately 3 ppm U²³⁸ in the reservoir rock, the 151 pCi/l of Rn²²² observed in the gas from Devonian shale wells is roughly in proportion to the overall average 16 ppm U²³⁸ observed in Devonian shale."

This gibberish can be turned into useful information. What that paragraph says is if we know how much radioactive uranium is in the "host" formation they are extracting any gas from, we can have a good idea how much radon will be in the gas, and hence, how much of a radiation dose we will get as we use that gas. The radon/uranium ratio was observed to stay relatively constant even as the uranium content varied fairly radically.

That study was intended for the gas industry. It is in the interest of the gas industry and those scouring the US for new places for them to drill to ignore or minimize the existence of uranium. And, the focus was on a shale gas industry when it was still a gleam in some gas driller's eye. It assumed the average Devonian shale to be only **5 times as radioactive** as the average host formations are that the good old regular gas comes from, and ignored radical deviations. Devonian shale is one major type the gas industry is looking at when they talk about the massive new reserves. Devonian is a subcategory of gas bearing shale: geologists refer to "marine black shales" as generally rich in gas.

But let's go back to Swanson, the Atomic Energy Commission study guy. He said this about marine black shales: "most contain less than .01% U²³⁸" That's 100 p.p.m. **That's 33 times as much radioactivity** as the host formations for regular gas.

Swanson described "hundreds of square miles" of Tennessee where there is a 15 foot thick layer of marine black shale bearing U²³⁸ at 60 ppm. That's **20 times as much** as an average host formation they extract regular gas from.

Returning to the DOE study. It couldn't look at shale gas in much detail. The industry did not exist compared to today: the study was written in 1980. As it says: **"it has not been possible in every case to directly obtain information... ..that could be considered typical of future production."**

The Atomic Energy Commission study guy, Swanson, published another paper He examined an extremely high grade (for a marine black shale) sample containing uranium in Arkansas in 1962. This

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was a sample that contained 0.55% U^{238} . He described a report on another sample in the area he didn't see personally which was 0.71% U. Incidentally, that's 5,500 and 7,100 ppm U^{238} , respectively. These are not typical.

At that time he summed up the US shale situation this way: "marine black shales... have an average uranium content of about .002% and a general range of about .0008 to 0.25%.

That's 20 ppm average, a bit higher than the DOE found later. But **note the high end of the range. 250 ppm.**

Consider how they explore for gas.

I found an online edition of Pennsylvania Geology which contained an article by one of the geologists who originally mapped out the Eastern Gas Shales for the DOE. He had some advice for companies who want to prospect for shale gas. I quote:

"RADIOACTIVITY = ORGANIC RICHNESS = GAS... [my note: the gas industry prospects for shale gas with a type of geiger counter] **Organic-rich shales have higher radioactivity responses than typical shales because the organic matter tends to concentrate uranium ions that otherwise would be scattered throughout the sediment.... ...higher-than normal gamma-ray response also equates to gas-production potential. The correlation might not be 100 percent, but it is very high. This is a very important concept for those looking to produce shale gas. Many companies would look for places where the entire formation is thick, but they should actually be looking for where it is most rich in organic matter."**

In other words, companies are being advised to look for shale that is **the most radioactive** if they want to find shale with **the most gas**.

The shale formations they want to find gas in can have as much as 250 ppm U^{238} . If they have that much they are 80 times as radioactive as "normal average", good old red blooded American conventional gas.

80 times the radioactivity of normal average gas is going to expose consumers to **1,200 times the radiation dose they'd get if they lived right next door to an operating nuclear reactor.**

I'll certainly be sleeping a lot more soundly tonight now that I know this.

Will everyone like their gas this hot? I wonder.

<http://theenergycollective.com/index.php?q=david-lewis/47970/shale-gas-some-it-hot>

Fracking mobilizes uranium in groundwater, researcher says

Scientific and political disputes over drilling Marcellus shale for natural gas have focused primarily on the environmental effects of pumping millions of gallons of water and chemicals deep underground to blast through rocks to release the natural gas.

But University at Buffalo researchers have now found that process—called hydraulic fracturing or “fracking”—also causes uranium that is naturally trapped inside Marcellus shale to be released, raising additional environmental concerns.

The research was recently presented at the annual meeting of the Geological Society of America in Denver.

Marcellus shale is a massive rock formation that stretches from New York through Pennsylvania, Ohio and West Virginia, and which is often described as the nation’s largest source of natural gas.

“Marcellus shale naturally traps metals such as uranium and at levels higher than usually found naturally, but lower than man-made contamination levels,” says Tracy Bank, Ph.D., assistant professor of geology. “My question was, if they start drilling and pumping millions of gallons of water into these underground rocks, will that force the uranium into the soluble phase and mobilize it? Will uranium then show up in groundwater?”

To find out, Bank and her colleagues at UB scanned the surfaces of Marcellus shale samples from Western New York and Pennsylvania. Using sensitive chemical instruments, they created a chemical map of the surfaces to determine the precise location in the shale of the hydrocarbons, the organic compounds containing natural gas.

“We found that the uranium and the hydrocarbons are in the same physical space,” says Bank. “We found that they are not just physically—but also chemically—bound.

“That led me to believe that uranium in solution could be more of an issue because the process of drilling to extract the hydrocarbons could start mobilizing the metals as well, forcing them into the soluble phase and causing them to move around.”

When Bank and her colleagues reacted samples in the lab with surrogate drilling fluids, they found that the uranium was, indeed, being solubilized.

In addition, she says, when the millions of gallons of water used in hydraulic fracturing come back to the surface, it could contain uranium contaminants, potentially polluting streams and other ecosystems and generating hazardous waste.

The research required the use of very sophisticated methods of analysis, including one called Time-of-Flight Secondary Ion Mass Spectrometry.

The UB research is the first to map samples using this technique, which identified the precise location of the uranium.

“Even though at these levels, uranium is not a radioactive risk, it is still a toxic, deadly metal,” Bank concludes. “We need a fundamental understanding of how uranium exists in shale. The more we understand about how it exists, the more we can better predict how it will react to fracking.”

http://newyork.sierraclub.org/SA/Vol40/Frack_Uranium.htm

The Halliburton Loophole

Among the many dubious provisions in the 2005 energy bill was one dubbed the Halliburton loophole, which was inserted at the behest of — you guessed it — then-Vice President Dick Cheney, a former chief executive of Halliburton.

It stripped the Environmental Protection Agency of its authority to regulate a drilling process called hydraulic fracturing. Invented by Halliburton in the 1940s, it involves injecting a mixture of water, sand and chemicals, some of them toxic, into underground rock formations to blast them open and release natural gas.

Hydraulic fracturing has been implicated in a growing number of water pollution cases across the country. It has become especially controversial in New York, where regulators are eager to clear the way for drilling in the New York City watershed, potentially imperiling the city's water supply. Thankfully, the main company involved has now decided not to go ahead.

The safety of the nation's water supply should not have to rely on luck or the public relations talents of the oil and gas industry. Thanks in part to two New Yorkers — Representative Maurice Hinchey and Senator Charles Schumer — Congress last week approved a bill that asks the E.P.A. to conduct a new study on the risks of hydraulic fracturing. An agency study in 2004 whitewashed the industry and was dismissed by experts as superficial and politically motivated. This time Congress is demanding “a transparent, peer-reviewed process.”

An even more important bill is waiting in the wings. Cumbersomely named the Fracturing Responsibility and Awareness of Chemicals Act, it would close the loophole and restore the E.P.A.'s rightful authority to regulate hydraulic fracturing. It would also require the oil and gas industry to disclose the chemicals they use.

The industry argues that the chemicals are proprietary secrets and that disclosing them would hurt their competitiveness. It also argues that the process is basically safe and that regulating it would deter domestic production. But if hydraulic fracturing is as safe as the industry says it is, why should it fear regulation?

http://www.nytimes.com/2009/11/03/opinion/03tue3.html?_r=2

Short-term Financial Effects of Governor's Budget Create Shortfalls

The 29 new DEC staff the Governor proposes to oversee gas extraction will cost \$3 million for each of the next two fiscal years, while the revenue from the severance tax on drilling will produce only \$1 million, and only in 2011. Thus, taxpayers would subsidize the methane gas industry by \$5 million over 2 years. This constitutes a financial drain on the state, and reveals the gas drilling initiative as highly questionable in terms of its single touted benefit—revenues to shore up NYS's fiscal shortfalls

Both in the short- and long-term (see graph below), gas drilling will COST the state far more than it can recoup from this activity.

Methane Gas — Plus or Minus for New York's Economy?

Compare the economic gain from gas drilling that New York State can expect over the next 20 years to the gain from some of the state's most important industries.

Estimated potential gain over 20 years

Gas extraction	\$22 billion ¹	Tourism	\$173 billion ²
		Farm cash receipts	\$48 billion ³
		Dairy products	\$39 billion ⁴
		Grapes and wine	\$68 billion ⁵
		Hunting & fishing	\$32 billion ⁶
		Wildlife watching	\$32 billion ⁶
Total	\$22 billion		\$392 billion

The estimated gain from methane gas does *not* take into account the tax burden from explosions, fires and accident cleanups, the contamination of public and private water by natural gas and injected / "produced" toxins, environmental degradation, civic infrastructure damage, and human / animal health costs historically incurred by gas drilling.

Other deficits not included here are upfront lease payments, or costs from damage to infrastructure or loss of farmland and potable water.

The value for methane gas was computed using a 50 trillion cubic foot estimate of recoverable gas in the Marcellus shale, multiplied by 25% for the fraction in New York State, at \$14 per 1,000 cubic feet (the high price in summer 2008) and 12.5% for the royalty many landowners get.¹

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RESOURCES:

timesleader.com

NORTHEASTERN PENNSYLVANIA'S HOMEPAGE

1

February 25, 2009 *Times Leader*, "Amid cheap gas, Pa. drillers carry on. State is not seeing the same reduction in Marcellus shale drilling as other areas."

By Rory Sweeney rsweeney@timesleader.com Staff Writer

http://www.timesleader.com/news/hottopics/shale/Amid_cheap_gas_Pa_drillers_carry_on_02-25-2009.html

2 "Tourism Impact in the Adirondacks"

Marcellus shale counties account for about 17% of the \$51 billion spent on tourism in New York in 2007.

Marcellus counties tourism = \$8.67 billion per year

Over 20 years = \$173 billion

<http://www.adirondackbasecamp.com/2008/09/tourism-impact-adirondacks/>



United States Department of Agriculture

National Agricultural Statistics Service

3

National Agricultural Statistics Services, New York State

NYS agriculture = \$3.65 billion annually

Over 20 years = \$73 billion from Marcellus Shale region

http://www.nass.usda.gov/Statistics_by_State/New_York/Publications/County_Estimates/index.asp

4 StuffAboutStates

Select dairy products for NYS

Cash receipts in 2004 = \$1.95 billion

Over 20 years = \$39 billion for the whole state

<http://stuffaboutstates.com/new.york/agriculture.htm>

5 New York's grape, grape juice and wine industry

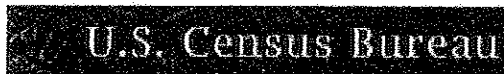
Receipts = \$3.4 billion annually

Over 20 years = \$68 billion derived from the Marcellus Shale region

National Agricultural Statistics Services, New York State

NY Agricultural Statistics Service, 2007-2008 Annual Bulletin, Table 34

http://www.nass.usda.gov/Statistics_by_State/New_York/Publications/County_Estimates/index.asp



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NY's hunting & fishing and wildlife income

Hunting / fishing 2006 = \$1.6 billion

Over 20 years = \$32 billion

Wildlife watching 2006 = \$1.6 billion

Over 20 years = \$32 billion

U.S. Fish & Wildlife Service, New York 2006 National Survey of Fishing, Hunting, & Wildlife-Associated Recreation

<http://www.census.gov/prod/www/abs/fishing.html>

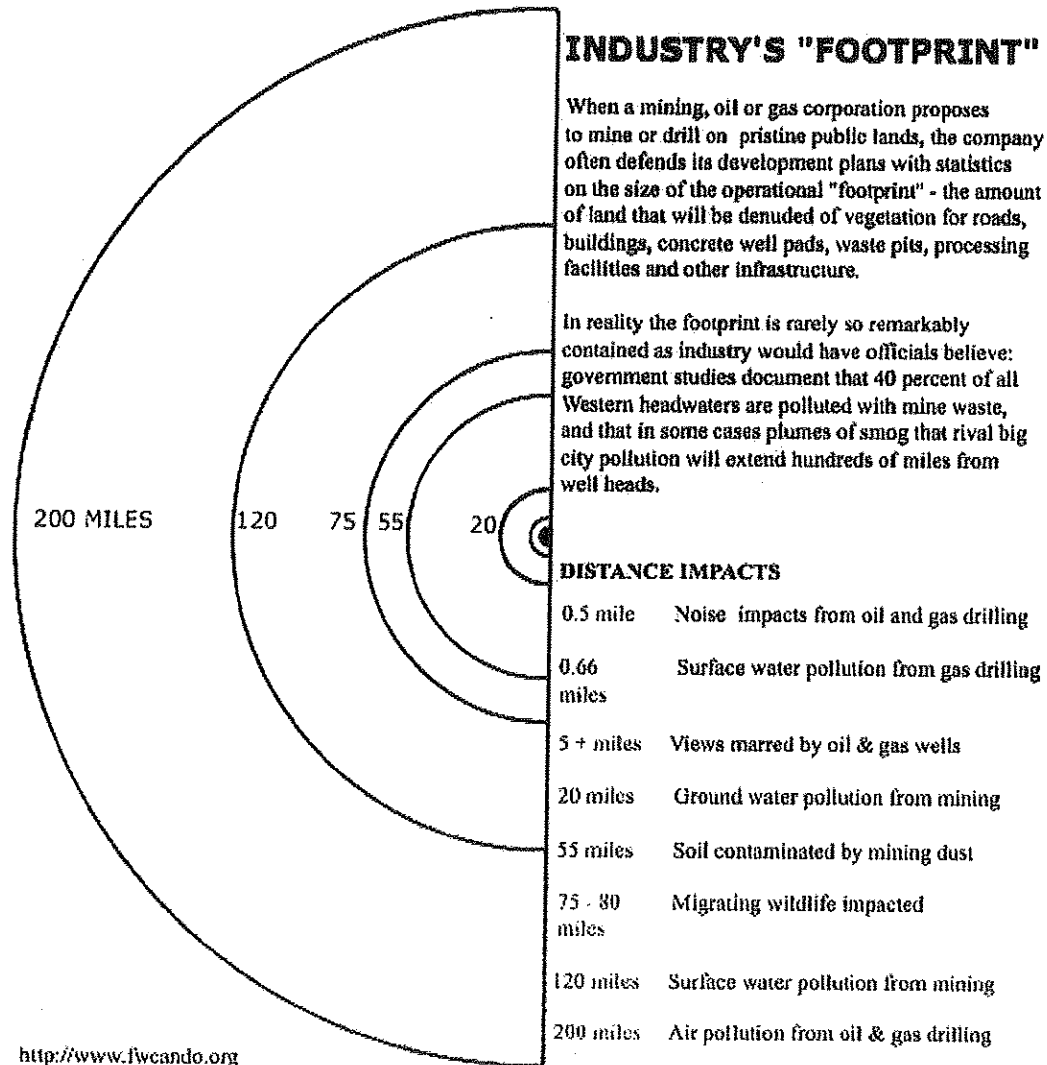
<http://www.shaleshock.org/what-are-potential-economic-gains-and-risks-of-gas-drilling/>

To access the original article and graph, go to above link and click on "What's at Risk"

Oct 21, 2008

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Oil & Gas Industry Footprint



CDOG

un-naturalgas.org

The Dangers of Natural Gas Drilling

with Horizontal, High-Volume Hydraulic Fracturing of Stone Gas Formations

Gas companies have leased over 7% of the land in Otsego County yet only 2% of Otsego residents will benefit directly. Drilling for natural gas in the Marcellus Shale with horizontal drilling and hydraulic fracturing will begin as early as this summer. Towns and cities are unprepared to deal with the huge changes coming our way. With a thousand square miles of land leased and 40-acre spacing regulation, Otsego County could see as many as 16,000 wells. Who is responsible to ensure that local roads, bridges, and culverts can take this stress? Who protects the neighborhoods, schools, businesses along these proposed routes?

The oil and gas industry estimates that 2 to 9 MILLION gallons of freshwater with 1% chemical additives is needed per well, per frack, which is a **minimum** 20,000 to 90,000 gallons of pollutants **per gas well**. Even if there were only 1,000 gas wells, that is 2 billion to 9 billion gallons of toxic waste water.

Coming to your town as early as this summer

- 1) **Poisoned Water Supplies** — billions of gallons of toxic waste water will be produced, approximately half stays in the ground and what comes back up must be disposed of. The likely disposal methods will be spreading on roads or injecting it back into the ground. Toxic water could leach into the ground water and surface water. The toxins used in gas drilling have been shown to cause cancer, death, birth defects and other severe health problems.
- 2) **Air Pollution** — Thousands of trucks and heavy machinery will be used. Volatile chemicals will off-gas from the open pits of waste water and from "flaring" gas at the well heads. Hazardous levels of ozone will be generated making the atmosphere look like that of Los Angeles. This will cause higher levels of lung and heart problems.
- 3) **Vast Increase in Truck Traffic** — Every well site will use hundreds of heavy trucks to carry in water and carry out waste. In Pennsylvania, where this type of drilling is already underway, the DEP estimates 1,000 "dragon trucks" per well, per "fracking."
- 4) **Fires** — Accidents are common in the gas industry. Huge, raging fires could stress local fire departments.
- 5) **Noise Pollution** — Noise will be increased from truck traffic, 24/7 drilling operations, and the constant low frequency noise of compressors used everywhere to pump the gas. Low frequency noise can cause heart arrhythmias and other serious health problems.
- 6) **Industrial Landscape** — The wells will be spaced as closely as one every 40 acres or 16 wells every square mile. Roads, pipelines, drill sites with heavy machinery, and massive trucks will cover the Southern Tier of New York.
- 7) **Road Degradation** — Miles of roadways will be overused by truck traffic necessary for drilling, causing dangerous driving conditions for passenger cars and school buses.
- 8) **Higher Property Taxes and Low Resale Value** — Property taxes will increase drastically for land that becomes leased but mortgages will be much harder to obtain. Buyers will not want to purchase leased lands or nearby properties.
- 9) **Drug Culture** — Gas companies will bring in workers for drilling. In other states, many of them were heavy users of methamphetamines.
- 10) **Overburdened Social Services, Health Care and School Systems** — The influx of transient drilling workers and their families will create a burden for the social services and school systems. Health Care facilities will max out with health problems and accidents caused by gas drilling.
- 11) **No Zoning Can Keep Away Drill Sites** — Drill sites could even be located downtown because the gas industry is exempt from zoning laws. They could drill in cities and towns just as they are doing in Fort Worth, Texas — both downtown and in suburban neighborhoods.

Protect your community. Keep shale gas drilling out of our towns and watersheds.

Oneonta Healthy Communities Campaign

GAS DRILLING CONTAMINANTS AND THEIR SOURCES*

BTEX	Benzene, toluene, ethylbenzene and xylenes	Benzene is a known carcinogen. Toluene may affect the reproductive and central nervous systems. Ethylbenzene and xylenes may have respiratory and neurological effects.	Venting of natural gas Wastewater pits Toxic wastewater Dehydration
CH₄	Methane	The main concern is that this gas can explode.	Venting of natural gas Dehydration
Diesel fuel	A complex mixture of hydrocarbons	Both fuel and exhaust contain carcinogenic substances like benzene and PAHs.	Gas "stimulation" fluids Oil-based drilling muds Engines / heavy equipment
PAHs	Polycyclic Aromatic Hydrocarbons	Several agencies have classified some PAHs as probable or possible carcinogens. Animal studies show reproductive effects.	Diesel exhaust Flaring Wastewater pits
H₂S	Hydrogen sulfide	Aggravates respiratory conditions, and affects the neurological system and cardiovascular system. It can also cause central nervous system problems.	Venting and flaring of "natural" gas (if present in oil and gas formations) Rises from soils
Toxic metals	Examples -- arsenic, barium, cadmium, chromium, lead, mercury, selenium, zinc and others	There are different potential health consequences associated with each metal. Possible toxic effects include hair loss, kidney damage, skin problems, high blood pressure, increased risk of cancer and of neurological damage, among others.	Drilling muds Gas "stimulation" fluids Wastewater pits Toxic wastewater Venting and flaring Diesel exhaust
NOx	Nitrogen oxides	These react with • VOCs to form ground-level ozone and smog, which can trigger respiratory problems • other chemicals to form particulate pollution, which can damage lungs and cause respiratory illness, heart conditions and premature death • common organic chemicals to form toxics that can cause genetic mutation	Compressor engines Flaring Diesel / "natural" gas drilling engine exhaust
VOCs	<u>Volatile Organic Compounds</u> include BTEX (above), formaldehyde and others	React with NOx to form ground-level ozone and smog, which can trigger respiratory problems. Can cause health problems, such as cancer.	Venting and flaring of "natural" gas Wastewater pits Oily wastes Diesel / "natural" gas drilling engine exhaust Compressors
Particulate matter	Small particles suspended in air	Can be inhaled and cause adverse health effects, like respiratory ailments, aggravation of asthma and allergies, painful breathing, shortness of breath, chronic bronchitis and premature death. May combine with other air pollutants to aggravate additional health problems. Some particulates, such as diesel exhaust, are carcinogenic.	Diesel exhaust Waste pit dust Venting and flaring
SO₂	Sulfur	Reacts with other chemicals to form	Diesel / "natural" gas

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	dioxide	particulate pollution, which can damage lungs and cause respiratory illness, heart conditions and premature death.	drilling engine exhaust Flaring
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* Edited from Theo Colborn's original. See <http://www.earthworksaction.org/publications.cfm?pubID=143> and <http://www.endocrinedisruption.com/home.php>

CDOG

un-naturalgas.org

The One Percent Obfuscation

by David J. Cyr

The voices advocating stone gas drilling often assure inattentive listeners that all the chemicals used in the fracking procedure amount to a very small quantity — only about “one percent” of the fluids used.

But 1% of what volume?

The Susquehanna River Basin Commission has stated: “The fracturing process uses an average of 2 to 9 million gallons of fresh water per well.”

One percent of 2 to 9 million gallons amounts to 20,000 to 90,000 gallons of toxic chemicals — *per well*.

The 1% of added chemicals contaminate 100% of the water used.

Some drilling advocates claim there’s 14 years’ worth of gas supply for the entire nation in the Marcellus Shale. To extract that much there would have to be tens of thousands of wells drilled in each of the states under which that deposit lies (New York, Pennsylvania, Ohio and West Virginia). The total combined drilling would likely result in hundreds of thousands of high-volume, high-pressure hydrofracking operations.

That 1 percent addition of chemical cocktail would mean 200 to 900 million gallons of highly toxic chemicals for every 10,000 wells drilled, *all* of which is added to the enormous volume of confiscated water.

If you add that 200 to 900 million gallons of highly toxic chemicals to the water taken for 10,000 wells, that clean drinking water confiscated by the drillers is transformed into approximately 20 to 90 billion (with a “B”) gallons of hazardous waste.

If 100,000 wells are drilled, they would produce 200 to 900 billion gallons of hazardous waste — enough to fill between 3,222 and 14,497 Exxon Valdez-class tankers. Anywhere from 30% to 70% of this stays underground! <http://www.riverreporter.com/issues/09-01-08/news-backflow.html>

A tiny portion of a really enormous volume is *not* an insignificant quantity — especially when it is water soluble, volatile, highly toxic — and can evaporate.

Number of active gas wells — 2007

Pennsylvania	53,586	New York had 6,213 wells (mostly old school — not Halliburtonized)
Ohio	34,307	
West Virginia	<u>45,422</u>	
	133,315	

http://www.worldoil.com/magazine/magazine_detail.asp?ART_ID=3439

It’s not clear how many of those non-NY wells were old school and how many used the much deeper, horizontal drill method — hydrofracked with far more water, under far more pressure than the old style.

A safe guess is that many, if not most, of those wells in the other three states were done with the Halliburton process. If there are hundreds of thousands of available drill sites, the drillers will want them all — and the DEC, the Albany legislature and the governor have already made hundreds of thousands of drill sites available.

- The total Marcellus Shale deposit lies under approximately 54,000 square miles of land.
- There are 640 acres in a square mile.
- With 40-acre drill site spacing, there’s a potential of up to 16 wells per square mile.
- $16 \times 54,000 = 864,000$ potential well sites.
- 200,000 wells actually drilled is a very conservative estimate [see above], about 1/3 of which would be in New York State.

FACTS ABOUT "NATURAL" STONE GAS DRILLING

A Sustainable Otsego document

<http://sustainableotsego.org/wiki/index.php?title=Main>

- In 1999 there were only four horizontal wells in the Texas Barnett shale.¹ By the end of 2004 there were 744. In 2008, the Texas RR Commission recorded over 10,000 gas well completions.² New York State has numerous gas leases ready to drill, many in **Otsego County**. The Marcellus shale is comparable to but much larger than the Barnett shale. If the Marcellus proceeds at the Texas rate it will turn NY State's Southern Tier into an industrial wasteland.

¹ <http://www.fwcando.org/>

² <http://www.rrc.state.tx.us/data/petrofacts/index.php>

- It has been roughly estimated that chemicals normally used to fracture stone gas wells can make up 0.44% (by weight) of the fracturing fluids. In an operation using 2 million gallons of water, roughly **80,000 pounds of chemicals** would be used. Marcellus wells will use **2-9 million gallons of water**.³

³ Susquehanna River Basin Commission

Hydraulic fracturing threatens our drinking water in several ways

Underground Contamination. Hydraulic fracturing opens pathways for fluids or gases from neighboring geologic layers to migrate where they're not intended — in any direction.

Surface Contamination. Fracturing fluid chemicals, contaminated wastewater, dredged up heavy metals and **radioactive material** can leak or spill from wellbores, wellheads, flowlines, trucks, tanks and pits. Those leaks and spills can contaminate our air, soil and water.

Depletion and degradation of surface freshwater and shallow drinking water aquifers. Drilling uses massive quantities of drinking water from lakes, ponds, streams and shallow aquifers for fracturing operations. The scale of this industrial drawdown will lead to inevitable loss of traditional water quality and availability. If contaminated wastewater is dumped into streams, the chemical make-up and temperature of the wastewater may affect aquatic organisms, and the enormous volume of disposed wastewater may damage sensitive aquatic ecosystems.

<http://www.earthworksaction.org/publications.cfm?pubID=383>

- **Naturally Occurring Radioactive Material (NORM)** found in the Marcellus shale is high and will be expelled in dangerous quantities from the wells.
- Some oilfield chemicals are endocrine disruptors. These can lead to genetic mutation and cancer. <http://www.endocrinedisruption.com>
- Most stone gas wells may be **fractured many times** (up to 18-20) in the life span (20-30 years) of the well.
- The 2005 Energy Policy Act provides the oil and gas industry with sweeping exemptions from provisions in the major federal environmental statutes intended to protect human health and the environment. These include the

1. **Safe Drinking Water Act**
2. **Clean Water Act**
3. **Clean Air Act**
4. **National Environmental Policy Act**
5. **Comprehensive Environmental Response, Compensation, and Liability Act**
6. **Resource Conservation & Recovery Act**
7. **Toxic Release Inventory under the Emergency Planning and Community Right-to-Know Act** (*now the industry doesn't have to disclose chemicals to public*)

- Hydraulic fracturing is *not* predictable, as stated in Schlumberger's publication **OILFIELD REVIEW** (2006) in the article "The Source for Hydraulic Fracture Characterization," p. 44:

"... Geologic discontinuities such as fractures and faults can dominate fracture geometry in a way that makes **predicting hydraulic fracture behavior difficult**. Clearly, the exploration and production industry still has much to learn about hydraulic fractures."

<http://cogcc.state.co.us/>

More information

<http://www.un-naturalgas.org/>

http://www.earthworksaction.org/oil_and_gas.cfm

<http://www.otsegocounty.com/depts/pln/NaturalGasLeasing.htm>

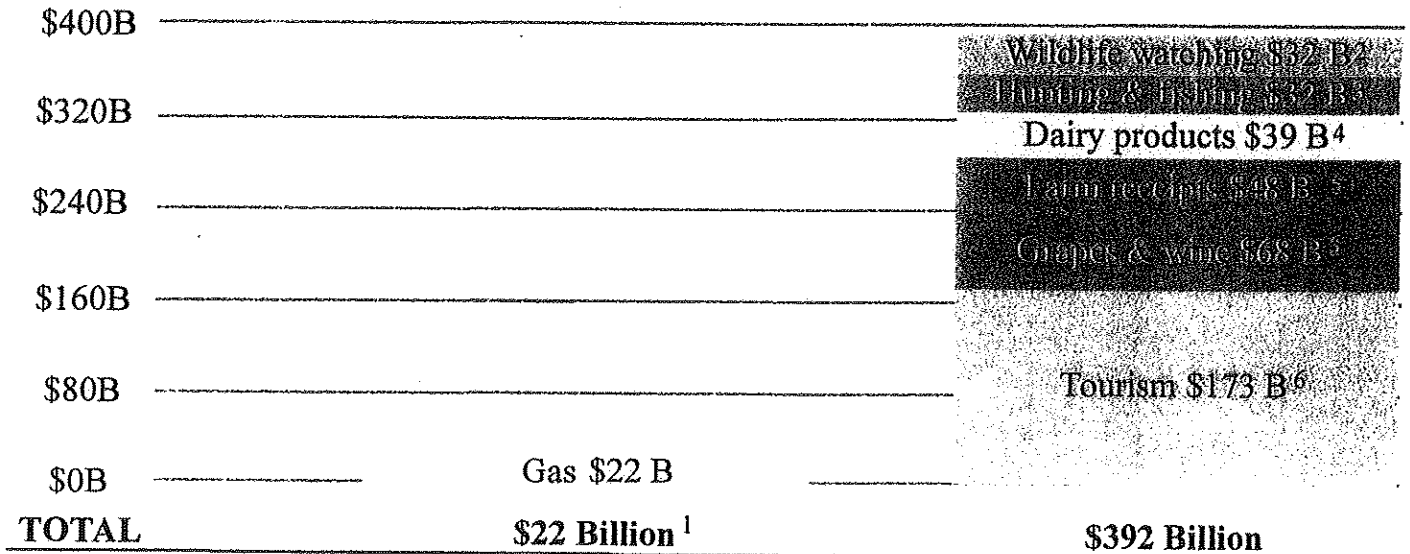
<http://www.occainfo.org/>

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Natural Gas – Boom or Bust for New York's Economy? 207

Compare the economic gain from gas drilling that New York State can expect over the next 20 years to the gain from some of the state's most important industries. ☐ ☐ ☐

Estimated potential gain over 20 years



The estimated gain from natural gas does not take into account the tax burden from explosions, fires, spills, cleanups, the contamination of public and private water by natural gas and injected or "produced" toxins, environmental degradation, civic infrastructure damage, and human / animal health costs historically incurred by gas drilling. The Hazen & Sawyer study of the Catskill / Delaware watershed that supplies New York City – determined that gas drilling should be prohibited in the watershed and that cumulative impacts on the entire state must be assessed before drilling proceeds.

Not included are upfront lease payments, or costs from damage to infrastructure or loss of farmland and potable water.

Clean, fresh water – New York State is fortunate to have it in relative abundance. It's a resource already compromised in many parts of the world. Why threaten our fresh water here at home when it's needed for our dairies, our vineyards, our lucrative recreation and tourism industry, for growing our food? Unconventional gas drilling threatens our water, air and soil. After that, what's left? It is not rational to threaten life itself.

1. http://www.timesleader.com/news/hottopics/shale/Amid_cheap_gas_Pa_drillers_carry_on_02-25-2009.html

The value for natural gas was computed using a 50 trillion cubic foot estimate of recoverable gas in the Marcellus shale, multiplied by 25% for the fraction in New York State, at \$14 per 1,000 cubic feet (the high price in summer 2008) and 12.5% for the royalty many landowners get.

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USDA United States Department of Agriculture
National Agricultural Statistics Service

- 2 National Agricultural Statistics Services, New York State
NYS agriculture = \$3.65 billion annually
Over 20 years = \$73 billion from Marcellus Shale region
http://www.nass.usda.gov/Statistics_by_State/New_York/Publications/County_Estimates/index.asp

3 **StuffAboutStates**

Select dairy products for NYS
Cash receipts in 2004 = \$1.95 billion
Over 20 years = \$39 billion for the whole state
<http://stuffaboutstates.com/new.york/agriculture.htm>

USDA United States Department of Agriculture
National Agricultural Statistics Service

- 4 New York's grape, grape juice and wine industry
Receipts = \$3.4 billion annually
Over 20 years = \$68 billion derived from the Marcellus Shale region
National Agricultural Statistics Services, New York State
NY Agricultural Statistics Service, 2007–2008 Annual Bulletin, Table 34
http://www.nass.usda.gov/Statistics_by_State/New_York/Publications/County_Estimates/index.asp

U.S. Census Bureau

- 5 NY's hunting & fishing and wildlife income
Hunting / fishing 2006 = \$1.6 billion
Over 20 years = \$32 billion
Wildlife watching 2006 = \$1.6 billion
Over 20 years = \$32 billion
U.S. Fish & Wildlife Service, New York 2006 National Survey of Fishing, Hunting, & Wildlife-Associated Recreation
<http://www.census.gov/prod/www/abs/fishing.html>



- 6 "Tourism Impact in the Adirondacks"
Marcellus shale counties account for about 17% of the \$51 billion spent on tourism in New York in 2007.
Marcellus counties tourism = \$8.67 billion per year
Over 20 years = \$173 billion
<http://www.adirondackbasecamp.com/2008/09/tourism-impact-adirondacks/>

Adapted by Stephanie Low and Carl Arnold from the work of John Schwartz, June 10, 2009,
jwschwar@ithaca.edu

To access the original article and graph: <http://www.shaleshock.org/what-are-potential-economic-gains-and-risks-of-gas-drilling/>, click on What's at Risk.

WHAT THE GAS COMPANIES DON'T WANT YOU TO KNOW

Gas drilling is a boom-bust industry.

Profits are short lived, with little money staying in the community. Large landowners who have financially benefited are likely to leave town. While some reap financial benefits, the entire community must pay for damages and to clean up a degraded environment.

Gas drilling is highly subsidized and

because of the surplus of gas in the market, gas companies cannot turn a profit without the help of your tax dollars. In fact they don't need to produce any gas to turn a profit. A recent New York Times article stated that this is one of the few industries where the after-tax profit is greater than the before-tax profit.

Natural gas is not a bridge fuel; it is a non-renewable fossil fuel. Natural gas production

forces government's focus away from a comprehensive energy policy and diverts investment funds away from developing renewable energy sources. It does not promote conservation.

Gas drilling is not about energy

independence; foreign companies are currently obtaining local leases, and gas is being sold on the international market.

Exemptions, deregulation, government cutbacks, and lack of accountability have

undermined the ability of government agencies, such as the DEC and EPA, to provide adequate protection against the environmental, economic, and social abuses of natural gas development.

Any Mail of NRDC writes:

How Toxic Are Fracturing Fluids?

In April of this year, 17 cows died in Caddo Parish, Louisiana, after apparently drinking fluid that had spilled from a nearby natural gas wellpad. The local sheriff's office, although the designated first responder, was not notified and found out from community residents. It was therefore several hours after the cattle deaths were found before the Caddo Parish hazmat team was dispatched.

At the time of the accident, the well in question was being hydraulically fractured. At the site were two companies involved in the hydraulic fracturing: Superior Well Services and Schlumberger. The Louisiana Department of Environmental Quality is still investigating this case, but according to a letter from Chesapeake Energy, the natural gas operator that owns the well: "During a routine well stimulation / formation fracturing operation by Schlumberger for Chesapeake, it was observed that a portion of mixed 'frac' fluids, composed of over 99 percent freshwater, leaked from vessels and/or piping onto the well pad."

This means that less than one percent of the fluid that leaked consisted of additives to the water. Yet it appears that the fluid was toxic enough to kill cows almost immediately upon drinking. Chesapeake's letter also states that it did not report the spill because it was not a reportable quantity of fluid. Does something sound wrong about this to you? It was enough to kill 17 head of cattle, but not enough to warrant reporting to the authorities.

Industry says that: "On average, 99.5% of fracturing fluids are comprised of freshwater ..." and "Other ingredients in fracturing fluid could affect your health if you were exposed to them in high enough quantities. However the concentration of these elements is far below the levels necessary to pose a threat."

Does this make YOU feel safe???

The MYTH of "Clean" Natural Gas

What ALL New Yorkers Should Know

Those living in small rural villages and those living in large urban cities will all be impacted by this industrial activity. It's NOT just a rural landowner issue.



Photo by Keith Hodan: Gas well fire in Moundsville, WV, 6-8-2010

Get Informed ~ Get Involved Speak Up !!!

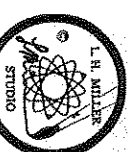
Tell your local, state and national representatives what you think. Ask them to support a moratorium on hydraulic fracturing. Ask them to support legislation which restores home rule. Ask them to put an end to the loopholes exempting gas drilling from the Clean Air, Clean Water and Clean Drinking Water Acts.

Talk to your neighbors. Tell them what's involved. Share this brochure with them.

Tell all who will listen what the bankers and insurance agents already know – the risks just aren't worth it.

For more information visit:

www.NYRAD.org



Provided by L.H. Miller Studio

10 Reasons Why You Need to Be Concerned:

1. Declining Property Values

Most banks and insurance companies consider gas-leased properties to be an unacceptable risk. Many loan companies have policies which deny mortgages on those properties which have been leased. Insurance companies are balking at writing policies for leased parcels, as landowners can be liable for accidents related to natural gas drilling.

Drilling will eventually depreciate the value of not only your residence, but of investment parcels as well. If you are considering selling your property, you must ask, "Will I be able to find a buyer who is willing and able to pay cash?"

2. Toxic Chemicals

Gas companies say that frack fluid is 99% water but that equates to 7,500 gallons of chemicals used for every well drilled. According to experts, 93% of these chemicals have adverse health effects, 60% are known carcinogens and more than 40% are endocrine disruptors.

3. You Can't Drink Gas

The greatest and most widespread harm evidenced in gas drilling is toxic chemical pollution caused by spills. Any contamination of ground water and aquifers is a threat to public health, agriculture, and wildlife.

After a recent spill in PA, the USDA quarantined cattle that drank contaminated water in an effort to protect the public from consuming potentially harmful products. But humans are not directly protected because the gas industry is exempted from the Clean Water Act and the Safe Drinking Water Act. Your drinking water is not protected.



Aruba Petroleum (Photo: Tim Ruggiero)

4. Air Quality Concerns

Ground level ozone and noxious chemicals can have serious health consequences on people, animals and plants. For humans this includes asthma, stroke, cardio-vascular disease and irritable bowel disorders.

Methane, the principal component of natural gas, is as much as 25 times as potent as CO2. Experts say that during transport, 3-5% of the methane escapes from pipelines and compressors as fugitive emissions.

5. Health Effect From Other Pollutants

Studies have shown that what the industry calls annoyances - noise, light and dust pollution - can also have a negative impact on health.

Brine from drilling can contain heavy metals and be highly radioactive, yet some communities are using this as a road de-icer.

6. Increases in Traffic

The DEC estimates between 5850 and 8905 truck trips for each well pad. Increases in traffic lead to increases in traffic accidents. School bus accidents and chemical tanker spills have occurred in other communities as truck drivers try to negotiate rural roads at high speeds.

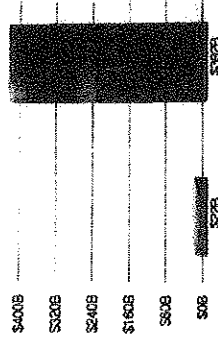
7. Gas Pads Not Limited to Countryside
Wells have been drilled near suburban homes, churches, schools, parks and even in city centers. Even the dead can't rest in peace as cemeteries are not off limits to drilling activity.

8. Security and Social Costs

Drilling-driven temporary population booms increase demand on police, fire and EMS, and social services, all paid for by local tax payers. Studies have shown that as gas drilling increases in an area, so too does the crime rate.

9. Economics

Gas production is slated for much of New York's food producing regions. Yet, agricultural production, tourism and recreation contribute more income to the state economy than the proposed income from gas drilling.



Source: John Schwartz

10. Environmental Issues

Gas activities draw heavily on fresh water reserves. Reduced oxygen levels, high levels of dissolved solids and pollutants negatively affect aquatic life, including fish.

Many species of birds and wildlife are negatively impacted by forest fragmentation, while others may benefit (coyote). Unfortunately this creates an imbalance in the ecosystem. While some species may be lost as an unintended cost of drilling, other species may arrive. Access roads and pipelines provide openings for invasive species infestation.

EPA Confirms Drinking Water Contamination by Toxic Chemicals Used in Hydraulic Fracturing

Joint Press Release: EARTHWORKS * Powder River Basin Resource Council

Pavillion, WY citizens call for fracking moratorium

Pavillion, WY, August 14, 2009 - This week U.S. Environmental Protection Agency told a group of over 70 that initial investigations found 11 of 39 tested drinking water wells were contaminated. Among the contaminants are toxics used in oil and gas production.

As part of a Superfund investigation, EPA began sampling in March 2009 in the Pavillion, WY area in response to multiple landowners concerns about changes in water quality and quantity following EnCana's increased gas development in the area. Wyoming Department of Environmental Quality (WDEQ) and EnCana had continually assured Pavillion residents that there was no evidence of hydrocarbons or toxic chemicals in their drinking water wells.

"Our families and neighbors are experiencing everything from miscarriages and rare cancers to central nervous system disorders, seizures, and liver disease" said John Fenton of Pavillion Area Concerned Citizens, a citizens group formed to address oil and gas contamination.

EPA confirmed the presence of 2-butoxyethanol (2-BE), a known constituent in hydraulic fracturing fluids, in three wells. This is the same chemical that was documented in the water well of Laura Amos, a Colorado landowner, after nearby wells were hydraulically fractured by EnCana. EPA reported that other water contamination, in the Pavillion wells, included methane, as well as adamantanes (a form of hydrocarbon) and six other chemical compounds of concern.

In 2001 EnCana's fracturing operations in Silt, Colorado were linked to methane and other contamination of Ms. Amos' nearby water well. Amos was unable to test immediately for chemical constituents related to hydraulic fracturing as she was unable to identify what chemicals were in EnCana's drilling products. In 2003 Ms. Amos was diagnosed with a rare adrenal cancer and she later discovered that 2-BE had been used in EnCana's fracking products. According to Dr. Theo Colborn at The Endocrine Disruption Exchange, known health effects of 2-BE include elevated numbers of combined malignant and non-malignant tumors of the adrenal gland, kidney damage, kidney failure, toxicity to the spleen, the bones in the spinal column and bone marrow, liver cancer, anemia, female fertility reduction, and embryo mortality.

As a result of the EPA's findings, residents in the Pavillion area are now calling for a halt to EnCana's fracturing operation. "It's very disconcerting that we are finding known fracturing products and hydrocarbons in our citizens' water wells," says John Fenton. "We'll await EPA's determination as to what is the cause of this contamination. However, in the mean time, we are asking EnCana to ensure no more fracturing occurs in the area."

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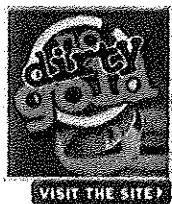
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INADEQUATE REGULATION OF HYDRAULIC FRACTURING

- The Halliburton loophole
- State regulation
- The history of federal regulation
- Efforts to close the Halliburton loophole
- More information, including fact sheets and resolutions opposing the Halliburton loophole
- General information on fracking and its impacts

The Halliburton loophole

Despite the widespread use of the practice, and the risks hydraulic fracturing poses to human health and safe drinking water supplies, the U.S. Environmental Protection Agency ("EPA") does not regulate the injection of fracturing fluids under the *Safe Drinking Water Act*. The oil and gas industry is the only industry in America that is allowed by EPA to inject known hazardous materials -- unchecked -- directly into or adjacent to underground drinking water supplies.

This exemption from the SDWA has become known as the "Halliburton loophole" because it is widely perceived to have come about as a result of the efforts of Vice President Dick Cheney's Energy Task Force. Before taking office, Cheney was CEO of Halliburton -- which patented hydraulic fracturing in the 1940s, and remains one of the three largest manufacturers of fracturing fluids. Halliburton staff were actively involved in review of the 2004 EPA report on hydraulic fracturing.

State regulation

Several oil and gas producing states have regulations governing some aspects of hydraulic fracturing, but they rarely, if ever, require companies to provide detailed information on types and quantities of chemicals being used, and whether the amount injected underground returns to the surface or remains underground. Additionally, in most states companies do not have to prove that fractures have stayed within the target formations. Nor do companies have to monitor water quality when there are drinking water formations in close proximity to areas where hydraulic fracturing occurs.

The history of federal regulation

In 1997, the U.S. Court of Appeals for the 11th Circuit (Atlanta) ordered the EPA to regulate hydraulic fracturing under the *Safe Drinking Water Act*. This decision followed a 1989 CBM fracturing operation in Alabama that landowners say contaminated a residential water well.

In 2000, in response to the 1997 court decision, the EPA initiated a study of the threats to water supplies associated with the fracturing of coal seams for methane production. The primary goal of the study was to assess the potential for fracturing to contaminate underground drinking water supplies.

Meanwhile, in 2001, a special task force on energy policy convened by Vice President Dick Cheney recommended that Congress exempt hydraulic fracturing from the *Safe Drinking Water Act*.

The EPA completed its study in 2004, finding that fracturing "poses little or no threat" to drinking water. The EPA also concluded that no further study of hydraulic fracturing was necessary. The 2004 EPA study has been called "scientifically unsound" by EPA whistleblower Weston Wilson. In an October 2004 letter to Colorado's congressional delegation, Wilson recommended that EPA continue investigating hydraulic fracturing and form a new peer review panel that would be less heavily weighted with members of the regulated industry. In March of 2005, EPA

COMMUNITY VOICES

 **Sansu, Ghana**

"AGC has the power to destroy my livelihood and also shoot me without any provocation."

PUBLICATIONS

Safe Drinking Water Act should cover hydraulic fracturing

Protect our drinking water: close the Halliburton Loophole in the *Safe Drinking Water Act*

Frack fluids: injected and left behind

Protect our drinking water: close the Halliburton loophole to the *Safe Drinking Water Act*

Safe Drillers Don't Need the Halliburton Loophole

Protect our drinking water: close the Halliburton Loophole in the *Safe Drinking Water Act*

Congress should close the Halliburton loophole

Fact Sheet: Hydraulic fracturing should be regulated under the *Safe Drinking Water Act*

Hydraulic Fracturing Myths and Facts

How hydraulic fracturing works

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VISIT THE SITE



VISIT THE SITE



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AFFILIATES

Alaskans for
Responsible Mining



Ethical Metalsmiths



Great Basin
Resource Watch

PARTNERS



Bikes for the World

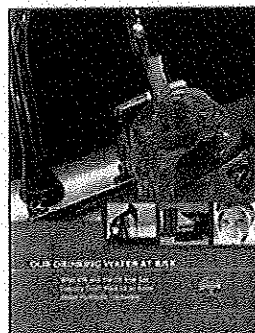
CSP
Center for Science in Public
Participation



Inspector General Nikki Tinsley found enough evidence of potential mishandling of the EPA hydraulic fracturing study to justify a review of Wilson's complaints.

The Oil and Gas Accountability Project (OGAP) has conducted a review of the EPA study. As reported in *Our Drinking Water at Risk*, we found that EPA removed information from earlier drafts that suggested unregulated fracturing poses a threat to human health, and that the Agency did not include information that suggests fracturing fluids may pose a threat to drinking water long after drilling operations are completed.

OGAP's review of relevant data on hydraulic fracturing suggests that there is insufficient information for EPA to have concluded that hydraulic fracturing does not pose a threat to drinking water.



Our Drinking Water at Risk Cover

Efforts to close the Halliburton loophole

In 2005, a national energy bill included the exemption of hydraulic fracturing from the *Safe Drinking Water Act*. This bill passed, with the exemption, although it left the door open for the EPA to regulate the use of diesel in hydraulic fracturing operations.

In October 2008, Representatives DeGette, Salazar and Hinchey introduced legislation to protect drinking water from oil and gas development -- including ending hydraulic fracturing's exemption to the *Safe Drinking Water Act*.

In June 2009, DeGette, Hinchey and Polls in the House of Representatives, and Casey and Schumer in the Senate introduced the Fracking Responsibility and Awareness of Chemicals Act (FRAC ACT).

Local governments have written resolutions and letters supporting ending the hydraulic fracturing exemption to the *Safe Drinking Water Act* and requiring public disclosure of hydraulic fracturing chemicals.

FOR MORE INFORMATION

2009 legislation to end the Halliburton Loophole

- Text of the Fracking Responsibility and Awareness of Chemicals Act (FRAC ACT)
- EARTHWORKS's press release
- DeGette's press release

Halliburton Loophole fact sheets & etc.

- **FACT SHEET: Congress should close the Halliburton Loophole.** Joint fact sheet by Earthjustice, EARTHWORKS, Natural Resources Defense Council, Western Organization of Resource Councils (May 2009).
- **FACT SHEET: Safe drillers don't need the Halliburton Loophole** (June 2009).
- **FACT SHEET: Frack fluids -- injected and left behind** (June 2009).
- **FACT SHEET: Safe Drinking Water Act should cover hydraulic fracturing,** Environmental Working Group, EARTHWORKS/OGAP (June 2009).
- **Untested Waters: the rise of hydraulic fracturing in oil and gas production and the need to revisit regulation** by Hannah Wiseman in Fordham Environmental Law Review (Spring 2009)

Local resolutions supporting stronger regulation of hydraulic fracturing (asterisked resolutions explicitly support ending the Halliburton loophole)

Colorado

- City of Durango*
- City of Glenwood Springs*
- County of Huerfano County*
- County of La Plata *
- County of Pitkin *
- County of San Miguel County*
- County of Saguache*
- County of Saguache, Baca Grande Water District*

- Town of Carbondale*

New York

- City of New York
- County of Otsego
- County of Tompkins*
- Town of Cherry Valley

Pennsylvania

- Township of Nockamixon*

Texas

- City of Dish*

Wyoming

- Teton County*

Recent news stories dealing with the Safe Drinking Water Act Exemption (the Halliburton loophole)

- *Fed explores the big fracking deal*, Marketplace, 6/8/2009
- Industry Defends Federal Loophole for Drilling Before Packed Congressional Hearing, ProPublica, 6/5/2009.
- Colorado, New York Representatives Want Regulation of "Fracking", AP, 6/5/2009.
- Face-off Over 'Fracking': Water Battle Brews On Hill, NPR, 5/27/09.
- "EDITORIAL: Is the West's water supply at risk?," Denver Post, 11/19/2008.

2005 news stories surrounding the Safe Drinking Water Act Exemption (the Halliburton loophole)

- "Exemption Likely to Drilling Rules: Fracturing, used by energy firms to extract oil and gas, is set to get a House panel's OK despite concerns that it imperils drinking water," Los Angeles Times, 04/14/2005.
- EDITORIAL: Flip the switch on fossilized thinking," Philadelphia Inquirer, 04/20/2005.
- "Enviros urge regulation of hydraulic fracturing," Greenwire, 04/15/2005 (subscription required).
- "Group says feds should be tracking 'fracking'," Glenwood Springs Post Independent, 04/15/2005.
- "Fracking regulation may undo energy bill," United Press International, 04/14/2005
- "Group: Extraction process threatens water," Denver Post, 04/14/2005.
- "Groups seeks more "fracing" controls," Casper Star-Tribune, 04/14/2005.
- "Fracturing regs reach breaking point", Telluride Planet, 04/14/2005
- "Fracturing exemption opposed by local interests," Grand Junction Sentinel, 04/14/2005
- "Group disputes gas drilling method," Durango Herald, 04/14/2005

EPA 2004 Halliburton Loophole study and EARTHWORKS/OGAP response

- Environmental Protection Agency's **2004 study** declaring hydraulic fracturing poses "little or no threat"
- EPA whistleblower Weston Wilson's **2004 letter** declaring the EPA fracking study "scientifically unsound"
- **OGAP Comments on EPA draft study** Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. (October 2002)
- **REPORT: Our Drinking Water at Risk.** OGAP's review of the EPA's final study on Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. (April, 2005)

More general information on fracking and its impacts

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How Marcellus Shale Gas Drilling Will **DEPRESS** Your Property Values

Imagine this: You lease your land to a gas drilling company, then, before or after drilling, you decide that you want to sell your land. You find plenty of prospective buyers---the problem is that none of them can find a bank to finance a mortgage, because most banks and insurance companies consider gas-leased land to be an unacceptable risk.

Where does this leave you? Most likely stuck. And what does it do to the value of your property? Most likely depreciate it, and the value of neighboring properties, too.

Or, imagine this: You have not leased your property, but your neighbors have, and---because your property is within 300 feet of theirs---banks also balk at financing your property---because of volatile property values and environmental hazards.

Or, imagine this: You own a farm or a lake cottage in an area where gas drilling is taking place and the value of your home and land has become so depreciated by the number of unmortgageable properties around you that your investment is no longer worth what you owe on it.

These are not just hypothetical examples. Ask your local bank or credit union.

FHA, HUD, GMAC and most major banks and credit unions hold exactly these policies on gas-leased property and the properties near them.

Reportedly, Wells Fargo, First Place, Fidelity, First Liberty and Bank of America all consider financing such mortgages excessively risky.

HUD, for instance (in its Handbook, 4150.2, page 2.7) puts it this way:

- Operating and abandoned oil and gas wells pose potential hazards to housing, including potential fire, explosion, spray and other pollution.
- No existing dwelling may be located closer than 300 feet from an active or planned drilling site. Note that this applies to the site boundary, not to the actual well site.
- The appraiser must examine the site for the existence of or any readily observable evidence of a well.

As Yates County Attorney George Mathewson points out:

"An upstate Federal Credit Union now states its policy regarding refinancing on properties on which there are gas leases (as opposed to active gas wells), as:

'1. If there is an oil and gas lease on your property, Visions will not give you a mortgage loan secured by your property. . . . If you presently have a mortgage with Visions Federal Credit Union and you subsequently enter into an oil or gas lease after September 14, 2009, then

Visions Federal Credit Union may require you to pay the balance of the loan in full pursuant to the terms of the existing note and mortgage. Please note that Visions Federal Credit Union will not sign a Subordination Agreement or other consent to lease with an oil or gas company.'

"For anyone trying to sell property in leased or drilled areas, if the buyers cannot obtain mortgage financing, this will eliminate 90% of the potential purchasers. And if the demand for the property drops drastically as a result of the unavailability of mortgages, then the price will also drop accordingly."

Two other factors further complicate this risk to landowners, "Horizontal Drilling" and "Compulsory Integration."

Horizontal Drilling --- While gas companies claim that they will only need one drilling pad per square mile, many landowners do not realize that that may include as many as 12 horizontal gas wells emanating from each single pad, or that those horizontal wells extend as far as a mile in all directions to make sure that the entire square mile will be exploited.

Each of these square mile coverages is called a "unit."

Compulsory Integration --- Within each "unit," if 60% of the land is leased, then the remaining 40% of land can be taken and drilled---under the legal concept of "Compulsory Integration" ---even if that 40% who have not signed are opposed to drilling.

It's true that victims of compulsory integration can only have gas sucked out from under their land, but cannot be trespassed upon on the surface without their permission. And it's also true that such non-leasers still have to be duly compensated for any gas taken. However, what is not mentioned in cases of compulsory integration is that the non-leased land is also devalued---still considered damaged goods by banks and insurance companies when those unwilling parties seek financing or insurance.

In addition, long past any temporary uptick in housing values to accommodate incoming workers, that surplus housing meant to meet the temporary need will be added to the mortgage slowdown---even further glutting the housing market and depressing property values as soon as the majority of those transient workers hits the road.

Bottom Line --- Without a doubt, massive gas-leasing will inevitably lead to serious property devaluation and property tax decreases throughout our region.

Time is running out. The gas companies like to say they're bringing us a windfall, but if you look at where they've been, it looks more like a tornado has blown through.

The banks and insurance companies know this perfectly well, and that's why they often consider gas-leased land too risky to finance.

We need to wake up. Fight to protect our values (both property and otherwise)---before it's too late.

Article by Steve Coffman, Dundee, NY



Provided by L.H. Miller Studio

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CAN WE TRUST THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) TO PROTECT OUR WATER, THE HEALTH OF OUR FAMILIES AND THE SAFETY OF OUR COMMUNITIES?

The NYS Department of Environmental Conservation (DEC) is trying to assure citizens that they have nothing to fear from the gas drilling that the DEC is permitting at the rate of 1000 wells per year. But is the DEC creating a smokescreen behind which the gas industry will extract enormous profits, leaving local communities saddled with the costs, as State Senator Libous said, of "cleaning up the mess"? Here are the facts:

Recent federal laws have exempted oil and gas industries from regulations and reporting requirements under the Clean Water Act, the Clean Air Act, and Safe Drinking Water Act. The effect of these exemptions is that the gas/oil industry is the only one allowed by EPA to inject hazardous chemicals into or adjacent to underground drinking supplies.

The NYS Environmental Conservation Law (Section 23) exempts the industry from local zoning laws, thus undermining traditional municipal control over land-use and planning, and undermining Home Rule rights in our state constitution.

THE DEC ITSELF WROTE THE LEGISLATION THAT MADE IT THE SOLE REGULATOR OF GAS DRILLING ACTIVITY, SO IT IS IMPORTANT FOR THE PUBLIC TO EVALUATE ITS CREDIBILITY. Testifying before municipal officials in Sullivan County, Oil and Gas Accountability Project lawyer Bruce Baizel, who has worked closely with the states of Colorado and New Mexico to upgrade their gas and oil regulations, noted many shortcomings in the DEC regulations:

- **NYS REGULATIONS ALLOW OPEN PITS FOR "PRODUCED WATER"** After finding leakage of nearly every open pit in Wyoming and Colorado, as well as contamination of adjacent water sources, both states have mandated or strongly recommended steel storage tanks.
- **THERE ARE NO RULES ON HOW TO STORE, USE AND DISPOSE OF THE FRAC'ING FLUID.** According to Baizel and the experiences of communities in Wyoming, New Mexico and Colorado, the DEC should forbid *on-site burial* of "produced water" and fracking fluids. The DEC should be regulating these fluids as the hazardous wastes they would be if other industries were producing them.
- **DEC REGULATIONS MAKE ENFORCEMENT MORE DIFFICULT AND LITIGATION MORE LIKELY SINCE THEY FAIL TO QUANTIFY PERFORMANCE STANDARDS.**
- **THE DEC DOES NOT REQUIRE THE INDUSTRY TO REVEAL THE CHEMICAL MAKE-UP OF THE FLUIDS USED IN DRILLING AND FRACKING THE WELLS.** EPA and industry studies of these fluids used prior to the EPACT 2005 reporting exemptions listed substances such as benzene, naphthalene, and heavy metals such as cadmium and arsenic, which are linked to severe human health effects, particularly around children.
- **THE DEC EXERCISES NO CONTROL OVER THE CONSTANT USE OF HERBICIDES ON FIVE-ACRE DRILLING SITES**

- **THE DEC PREEMPTED LOCAL STORMWATER/RUNOFF REGULATIONS WITHOUT STRINGENT STATE-LEVEL REGULATIONS.** This allows the industries to flush its poisons downhill, and undermines local flood-mitigation programs. That the epicenter of future gas-drilling was also the epicenter of the flood of '06 ought give us pause.
- **THE DEC WROTE THE LEGISLATION RECENTLY SIGNED INTO LAW THAT MADE IT UNNECESSARY FOR DRILLERS USING NEW HORIZONTAL DRILLING PLUS HYDROFRACKING TECHNOLOGIES FROM HAVING TO APPLY FOR VARIANCES TO USE IT, WHICH WOULD HAVE TRIGGERED PUBLIC HEARINGS AND FACT-FINDING.**
- **THE DEC DOES NOT REQUIRE PRE- AND POST-DRILLING WATER TESTING OF ON- AND NEAR-SITE DRINKING WATER SOURCES OR NATURAL WETLANDS**
- **THE DEC GAS-DRILLING PERMITTING PROCESS CREATES CONDITIONS ON THE GROUND THAT FORCE LANDOWNERS TO GIVE UP THEIR SUBSURFACE (MINERAL) RIGHTS.**

Drilling units are established by the gas corporations based on where they control 60% of the land by leasing or outright ownership;

The subsoil (mineral) rights belonging to the other 40% of the drilling unit becomes available to the gas corporations through the Compulsory Integration hearings (effectively an eminent domain process) the DEC provides;

Since the rate of royalty payments to the owners of these subsurface (mineral) rights taken by this Compulsory Integration process is lower than the rate secured by "voluntary" leases or sale to the corporations, the DEC is in effect extorting landowners to lease their properties.

- **THE DEC GAS-DRILLING PERMITTING PROCESS ENFORCES THE HIGH RATE OF PROFIT THAT THE INDUSTRY ALREADY ENJOYS.**

It pretends that leases based on highly unequal knowledge and power between the industry and individual property owners are contracts "freely entered into" by informed parties.

It extorts obedience from landowners who would prefer not to sell their subsurface (mineral) rights through the use of Compulsory Integration hearings, in which it sets maximum royalty rates far lower than those paid to "voluntary" leasing landowners.

It excludes non-landowning citizens, the vast majority, from enjoying the financial benefits of gas-drilling, at the same time that it forces them (through the pre-emption of local government powers to protect their health and welfare) to bear the personal, social and environmental costs of drilling.

- *For a range of topics relating gas-drilling to your health please see www.oqap.org*
- *Read the news on local gas drilling at www.chenanagorens.org*
- *Join the discussion group at marcellusgasinfo-subscribe@googlegroups.com*

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The Chenango Delaware Otsego Gas Drilling Opposition Group (CDOG) says:

Stop Subsidizing the Gas Industry by Exempting It from Regulations that apply to Every Other Industry

Protecting America's access to clean air and water is paramount and should not be trumped by oil and gas exploration.

The Federal government has delegated, to local and state governments, the task of preventing toxic contamination of our air and water. At the same time, it has provided exemptions to one polluting industry, which makes it difficult, or even impossible, for those local and state governments to enforce the environmental standards they should. The Federal government must again work together with states to provide the strongest possible environmental enforcement, and reverse its policies which permit pollution that would otherwise be illegal.

CDOG strongly urges Congress to remove environmental statute exemptions provided to the oil and gas industry. For the US to realize the true cost of fossil fuels, environmental standards must be enforced

1. Safe Drinking Water Act (SDWA)

a. The SDWA was amended in the Energy Policy Act of 2005 in three ways:

- i. Hydraulic Fracturing operations were completely exempted from regulation under SDWA
- ii. Energy Policy Act of 2005 asked for voluntary discontinuance of diesel fuel in fracking operations instead of banning outright
- iii. Underground Injection Control of fracking fluids were defined to codify the EPA's practice of not regulating fracking fluids unless diesel fuels were used, and in the case of the use of diesel fuels regulation is discretionary.

2. Clean Water Act (CWA)

a. The Energy Policy Act of 2005 amended the CWA so that sediment is no longer considered a pollutant in managing stormwater run-off. The exemption provided for in the Energy Policy Act of 2005 encompasses the drill pad site and all oil and gas field construction activities and operations.

b. The EPA confirmed Congress' interpretation by stating that "all covered oil and gas related construction activities are eligible for the NPDES permitting exemption for their uncontaminated stormwater discharges without regard to the acreage disturbed."

c. The EPA also defined oil and gas operations and activities to include the construction of the drill site, waste management pits, access roads, in-field treatment plants and transportation infrastructure.

3. National Environmental Policy Act (NEPA)

a. The Energy Policy Act of 2005 created a presumption that the following oil and gas related activities should be analyzed and processed by the Interior and Agricultural Departments under categorical exclusions. Categorical

exclusions are less comprehensive than environmental assessments and there is no public comment. Exempted Activities:

- i. Individual surface disturbance of less than five acres as long as total surface disturbance is not greater than 150 acres and site-specific analysis has been prepared pursuant to NEPA.
- ii. Drilling within five years of a previous well.
- iii. Placement of a pipeline in a right-of-way corridor that has been determined within five years.
- iv. Drilling a well within a developed field where there is an approved land use plan or documentation prepared pursuant to NEPA that would see the drilling as reasonably foreseeable activity.
- v. The presumption in the Energy Policy Act also shifts the burden to prove the activity would require further analysis from the EPA to the public. The public must now demonstrate that drilling activities occur in an area of extraordinary circumstances to require a full NEPA review.

4. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

a. Section 101(14) of CERCLA lists the hazardous substances covered under the statute. The last clause of this section excludes crude oil and petroleum.

5. Resource Conservation and Recovery Act (RCRA)

a. The Solid Waste Disposal Act of 1980 exempts oil field waste from Subchapter III of RCRA until the EPA could prove the wastes were a danger to human health and the environment. In 1988 EPA made a regulatory determination that oil field waste should be exempted because of adequate state and federal regulations. This includes:

- i. Produced waters
- ii. Drilling fluids
- iii. Associated wastes

6. Clean Air Act (CAA)

a. The CAA states that the oil and gas industry will not be aggregated together to determine if they are subject to Maximum Achievable Control Technology (MACT) for each source. The exemption also extends to pipeline compressors and pump stations in some instances.

b. Hydrogen sulfide is not listed as an extremely hazardous substance in the Clean Air Act.

7. Toxic Release Inventory under the Emergency Planning and Community Right-to-Know Act (EPCRA)

a. The oil and gas industry is exempted from reporting under section 313 of EPCRA, even though it generally meets the requirements established for reporting.

This list was provided by Citizens Campaign for the Environment www.citizenscampaign.org who urge you to copy and mail this list to your congressional representatives.

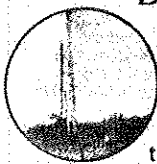
CDOG urges you to copy the list and distribute it to your friends and neighbors who might be under the impression that their governments, federal and state, are adequately regulating the industry.

www.un-naturalgas.org



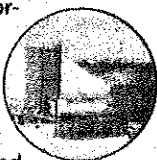
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OIL AND GAS POLLUTION



Drilling and Completion. Drilling involves boring down to rock formations that contain oil or natural gas. Fluid or "mud" is circulated down hole to keep the drill bit cool and lubricated, and it returns to the surface carrying rock debris known as "cuttings." During completion, fluids and cuttings within the well bore are removed. Some gas usually exits as these materials come to the surface, and the gas is typically flared. **AIR:** Exhaust fumes from drilling equipment; venting and flaring of natural gas. **SOIL:** Muds and cuttings, which may contain chemical additives, salts, metals and hydrocarbons, are often stored in pits and buried on site. This may sterilize soils. **WATER:** Contaminants in pit sludge may leach out of the soil or overflow the pit and contaminate nearby soils, surface waters and groundwater.

Stimulation. Hydraulic fracturing, a common stimulation technique, involves fracturing the target formation with high-pressure injection of various substances. After fracturing, some of the injected fluids and gas from the formation flow out of the well, and sand remains behind to prop open the fractures. **AIR:** Exhaust fumes from heavy equipment; flaring or venting of gas; wastes stored in pits may contain volatile chemicals that escape into the air. **SOIL:** Many fracturing chemicals are hazardous, and may contaminate soil if spilled on site. **WATER:** Fracturing fluids may be injected into or come in contact with fresh water aquifers. Waste fluids stored in pits may contaminate surface or groundwater if pits leak or overflow.

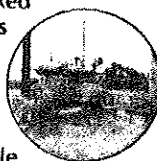


Produced Water. Typically, during coalbed methane operations water must be removed from the coals before methane will flow to the well. Over time, water production tends to decrease. In conventional natural gas and oil formations, however, water production often increases with time, as the oil and gas are depleted. Produced water is piped or trucked to disposal ponds or underground injection wells; or discharged on land or into surface



waters. **AIR:** When stored in open pits volatile hydrocarbons (e.g., benzene) escape into the air. The pumping of shallow water may result in the migration of methane and H_2S to from soil to air. Exhaust is created from water pumps powered by diesel or natural-gas-fired engines. **SOIL:** salts, metals, hydrocarbons or traces of chemical additives in produced water may contaminate soil if spilled on the surface or stored in earthen pits. **WATER:** produced water may contaminate waters through spills, pipelines breaks, leaks from storage ponds, or movement of injected water into a freshwater aquifer.

Separation and Dehydration. During separation, gas is separated from heavier hydrocarbons (e.g., oil and natural gas liquids), and water may also be "knocked out." Dehydrators remove water from the gas stream. Separation and dehydration may occur at well sites, compressor stations, gas processing plants or oil storage sites (i.e., tank batteries). **AIR:** Dehydrators and separators often vent large volumes of methane and volatile organic compounds. Dissolved hydrocarbons in wastewater may escape into the air. **SOIL:** Pits or tanks that store wastewater may leak or overflow and contaminate soil. **WATER:** Wastewater may contain dissolved hydrocarbons, sand and metals that can contaminate surface and groundwater.



Gas Compression. Typically, diesel or natural gas-fired engines provide power to compressors that, in turn, compress the gas. Some compressors are used to pull the gas out of wells, while other compressors push the gas along a pipeline. Field compression may occur at well sites. Centralized compressor facilities are required, however, to move large volumes of gas to and through larger gas transmission pipelines. **AIR:** Engine exhaust; occasional venting of natural gas. **SOIL AND WATER:** Soil and water pollution may occur due to spills or leaks of diesel or other fuel used to power the compressors.

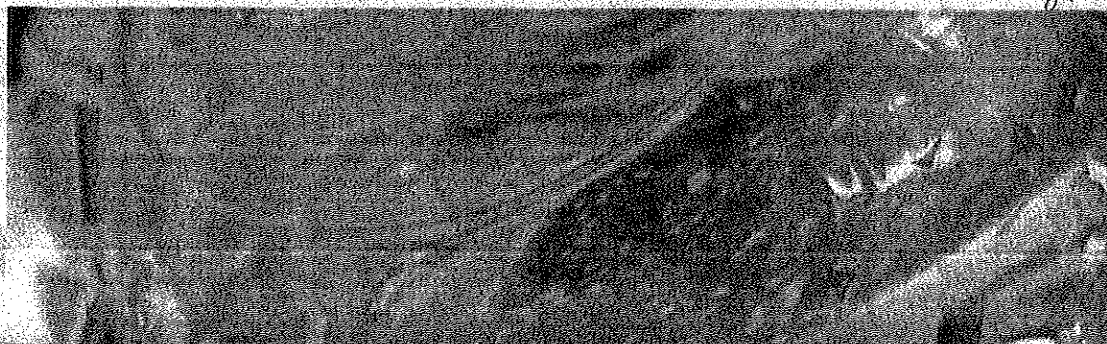


OIL & GAS ACCOUNTABILITY PROJECT - www.oilgas.org

Natural gas is a clean fuel? THINK AGAIN

CONTAMINANTS AND THEIR SOURCES

BTEX	Benzene, toluene, ethylbenzene and xylenes.	Benzene is a known carcinogen. Toluene may affect the reproductive and central nervous systems; while ethylbenzene and xylenes may have respiratory and neurological effects.	Venting of natural gas Pits Produced water Dehydration
CH₄	Methane	Main concern is the explosive nature of this gas.	Venting of natural gas Dehydration
Diesel fuel	A complex mixture of hydrocarbons.	Both fuel and exhaust contains carcinogenic substances like benzene and PAHs.	Stimulation fluids Oil-based drilling muds Engines/heavy equipment
H₂S	Hydrogen Sulfide	Aggravates respiratory conditions, and affects neurological system, cardiovascular system and can cause central nervous system problems.	Venting and flaring of natural gas (if present in the oil and gas formations) Migration from soils
Metals	Examples: arsenic, barium, cadmium, chromium, lead, mercury, selenium, zinc and others.	There are different potential health effects associated with each metal. Possible toxic effects include skin problems, hair loss, kidney damage, high blood pressure, increased cancer, neurological damage risk and others.	Drilling muds Stimulation fluids Pits Produced water Venting and flaring Diesel exhaust
NO_x	Nitrogen oxides	React with VOCs to form ground-level ozone and smog, which can trigger respiratory problems. React with other chemicals to form particulate pollution, which can damage lungs and cause respiratory illness, heart conditions and premature death. Reacts with common organic chemicals to form toxics that may cause biological mutations.	Compressor engines Flaring Diesel and natural gas engine exhaust
PAHs	Polycyclic Aromatic Hydrocarbons	Several agencies have classified some PAHs as probable or possible carcinogens. Animal studies show reproductive effects.	Diesel exhaust Flaring Pits
Particulate matter	Small particles suspended in air.	Can be inhaled and cause health effects like respiratory ailments, aggravation of asthma and allergies, painful breathing, shortness of breath, chronic bronchitis and premature death. May combine with other air pollutants to aggravate health problems. Some particulates, such as diesel exhaust are carcinogenic.	Diesel exhaust Pits (dust from) Venting and flaring
SO₂	Sulfur dioxide	Reacts with other chemicals to form particulate pollution, which can damage lungs and cause respiratory illness, heart conditions and premature death.	Diesel and natural gas engine exhaust Flaring
VOCs	Volatile Organic Compounds, include BTEX formaldehyde and others.	React with NO _x to form ground-level ozone and smog, which can trigger respiratory problems. Can cause health problems such as cancer.	Venting and flaring of natural gas Pits Oily wastes Diesel and natural gas engine exhaust Compressors



HYDRAULIC FRACTURING

Myths and Facts

Myth: Hydraulic fracturing fluids and products pose no real risk to our water supplies or public health.

FACT: Hydraulic fracturing fluids contain toxic chemicals and are being injected into and near drinking water supplies. According to the EPA, toxic chemicals in fracturing fluids include substances such as polycyclic aromatic hydrocarbons; methanol; formaldehyde; ethylene glycol; glycol ethers; hydrochloric acid; sodium hydroxide; and diesel fuel, which contains benzene, ethylbenzene, toluene, xylene, naphthalene and other chemicals¹. These chemicals have known negative health effects such as respiratory, neurological and reproductive impacts, impacts on the central nervous system, and cancer.

The Endocrine Disruption Exchange, Inc., (TEDX) has also recently documented health effects of chemicals used in 435 fracturing products. According to TEDX, the top four health effects for chemicals in these products include: skin, eye and sensory organ effects, respiratory effects, gastrointestinal effects, and brain and nervous system effects². In addition to being injected into and near water resources, these chemicals are also being trucked through our communities and can spill and leak from trucks, pits, disposal wells, and flowlines. Aside from water contamination,

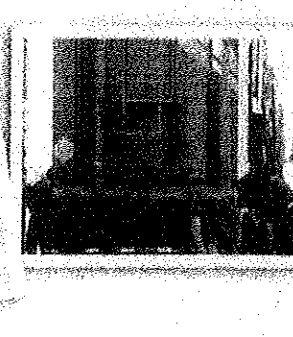
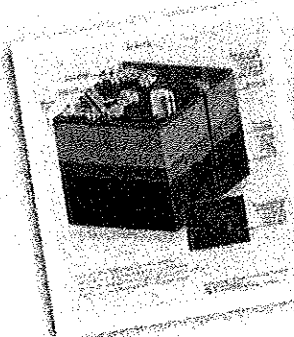
communities are faced with public health threats from chemicals evaporating off drilling sites and residual chemicals that can spill or leak onto our soils.

Myth: There are no documented cases of fracturing fluids migrating into drinking water wells.

FACT: The oil and gas industry is splitting hairs with this claim. Complaints have been documented in Alabama, Colorado, New Mexico, Ohio, Texas, Virginia, West Virginia and Wyoming in which residents have reported changes in water quality or quantity following fracturing operations of gas wells near their homes. In mitigating and documenting these instances, industry and state regulators have cited casing failures, impacts from other mining operations, methane migration and other explanations for water contamination. Regulators and the public have had to accept these explanations, in part, because industry refuses to disclose the make-up of fracturing chemicals, and regulators do not know what specific chemicals they are looking for following fracturing complaints. The fact remains that landowners and communities are experiencing changes in water quality and quantity that occur during and after fracturing.



OIL & GAS
ACCOUNTABILITY
PROJECT
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HYDRAULIC FRACTURING — MYTHS AND FACTS

Myth: In 2004 the EPA released a scientific study that demonstrated that hydraulic fracturing is safe and should not be regulated.

FACT: The conclusion of the 2004 EPA report that hydraulic fracturing poses little or no risk to drinking water supplies and thus no further action was necessary was a political conclusion, rather than a scientific one. The 2004 EPA report's conclusion was reviewed and found to be "scientifically unsound" by EPA employee, Weston Wilson, as well as "unsupportable" based upon the available science and literature¹. Mr. Wilson and public interest organizations who reviewed EPA's report found that the substance of the report actually established that:

- 1) hydraulic fracturing occurs within underground sources of drinking water;
- 2) hydraulic fracturing fluids contain toxic components that are not entirely removed from the drinking water formations; and
- 3) hydraulic fracturing can create pathways which allow methane to migrate to ground water.

Further, EPA had originally planned to undertake actual scientific field investigations near wells that were hydraulically fractured in a second phase of their investigation. However, the 2001 special energy task force, chaired by former Halliburton CEO Dick Cheney, recommended that Congress exempt hydraulic fracturing from the Safe Drinking Water Act. Subsequently, information regarding the potential health impacts of hydraulic fracturing was removed from EPA's 2002 draft of the report, and the final report contained its 'scientifically unsound' and unsupportable conclusion. The political nature of this conclusion was indicated by the 2005 EPA Inspector General investigation that found enough evidence of potential mishandling of the 2004 EPA report to justify a review of complaints brought forth by Mr. Wilson and others. Unfortunately this investigation was tabled when the 2005 Energy Policy Act exempted hydraulic fracturing from the Safe Drinking Water Act.

Myth: Our drinking water is not at risk from hydraulic fracturing because industry is fracturing at depths below the aquifers from which our communities are locating water wells.

FACT: There are a number of ways in which hydraulic fracturing threatens our drinking water. Where drilling companies are developing fairly shallow oil or gas resources, such as some coalbed methane formations, drilling may take place directly in the aquifers from which we draw our drinking water. In that case, contamination may result from the fracturing fluids that are stranded underground, as the few studies that are available have shown that at least 20-30% of fracturing fluids may remain trapped underground.

Where drilling companies are developing deeper oil or gas resources, such as shale gas resources, there are a number of issues and concerns. Hydraulic fracturing can leave fluids stranded at these depths, and, through the high pressures used, can open up pathways for fluids or gases from other geologic layers to flow where they are not intended. This may impact deeper ground water resources that may be considered for drinking water supplies in the future. If fracturing wastewater disposal is conducted through underground injection wells, there is an additional risk for groundwater contamination. If wastewater disposal occurs in streams, the chemical make-up or temperature of the wastewater may affect aquatic organisms, and the sheer volume of water being disposed may damage sensitive aquatic ecosystems.

Additionally, fracturing fluid chemicals and wastewater can leak or spill from injection wells, flowlines, trucks, tanks, or pits. This contamination can be moved off-site through stormwater run-off. Finally, faulty casing, weak cementing, human error and geological unknowns can contribute to contamination from fracturing and other drilling practices.

Myth: All, or nearly all, hydraulic fracturing fluids are recovered during the fracturing process.

FACT: Factors affecting fracturing fluid recovery include flowback procedure, job design, specific reservoir conditions and other complexities. With multiple factors affecting fracturing fluid recovery, it is reasonable to assume that there will be a wide range in fluid recovery efficiencies. In fact, literature cited by EPA in their 2002 draft version of the hydraulic fracturing report confirmed this assumption. EPA



Developed by OGAP/EARTHWORKS

HYDRAULIC FRACTURING — MYTHS AND FACTS

cited or discussed four different studies¹. These studies, conducted in non-coalbed methane basins, found that between 25% and 61% of certain hydraulic fracturing fluids flowed back to the well (that is, between 39% to 75 % was left stranded in some instances). One particularly compelling study showed that only 35-45% of the fracture fluids were recovered. This study was withdrawn from the EPA's final discussion of flowback and was not listed on their master reference list for the final report⁴. Citizens and groups working on this issue have often used the range of 20%-30% of fracturing fluids remaining in the ground without objection by industry. When considering the EPA's literature citations, this is a conservative estimate that generously grants a range of recovery efficiencies to the industry.

Myth: The practice of hydraulic fracturing and creating underground fractures is well-tested, controllable and safe.

FACT: It is critical for communities and decision makers to understand that hydraulic fracturing fluids not only contain toxic chemicals, but this operation utilizes high volumes of fluids and high pressures to intentionally open up underground pathways for gas or oil to flow. Injected fluids have been known to travel as far as 3,000 feet from a well, and fracturing fluids may remain trapped underground⁵. While industry claims that fracturing is a well-tested and controllable technology, computer models have shown that fractures can behave differently than predicted, and diagnostic techniques illustrating fracture history are rarely used. It is important for communities and decision makers to gather more information about fracture behavior, and to ensure that any stranded fluids do not remain in or move into our drinking water resources.⁶

Myth: State regulations addressing casing and other aspects of drilling process such as spills and leaks adequately regulate fracturing products and practices.

FACT: Most states' policies regarding hydraulic fracturing amount to "don't ask and don't tell." At the state level, most oil and gas agencies do not require companies to report the volumes or names of chemicals being injected during

hydraulic fracturing, and they have never conducted any sampling to determine the underground or surface fate of hydraulic fracturing chemicals. Without that information, neither states nor the public can begin to eliminate the use of toxic materials, nor adequately evaluate or develop monitoring programs to assess the risks posed by injecting these fluids underground.

Myth: Non-toxic and less toxic fracturing alternatives are in their infancy and not available for industry use.

FACT: Oil and gas operators are routinely using less toxic fracturing fluids in off-shore environments in order to meet federal requirements under the Clean Water Act, and some operators have tested and studied non-toxic fracturing fluids as they problem-solve site specific issues in the Black Warrior and San Juan Basins. Thus, the development of non-toxic or green fracturing fluids is not in its infancy.

The offshore oil and gas industry, for example, has had to develop fluids that are non-toxic to marine organisms in order to be allowed to discharge the fluids into the ocean. According to the Schlumberger web site: "Meeting stringent environmental guidelines in both the U.K. North Sea and the Gulf of Mexico (GOM), the new Schlumberger GreenSlurry system delivers consistent, earth-friendly performance. This slurry system, developed for use in all types of fracturing and gravel-packing operations in environmentally sensitive regions, features a unique carrier fluid. The new carrier fluid can be easily metered using all existing equipment." The public and decision makers must assume that Schlumberger and many other companies formulate these types of fluids because standard fracturing fluids are toxic to marine organisms and will not meet off-shore regulations. Because we don't have full disclosure of fracturing fluids, it remains vague as to how toxic or less toxic products designed for an offshore environment are to humans. However, industry studies and demonstrations have shown that water without any additives is an effective fracturing fluid that is more economic in certain environments, and can solve production problems such as chemical gels (cross-linker gels) damaging coal permeability⁸.

HYDRAULIC FRACTURING – MYTHS AND FACTS

Myth: Lifting the exemption for hydraulic fracturing under the Safe Drinking Water Act would be unduly burdensome for States.

FACT: Congressional Representatives DeGette (CO), Salazar (CO) and Hinchey (NY) introduced a bill in 2008 that would reverse special treatment of Halliburton and other hydraulic fracturing companies by requiring regulation of hydraulic fracturing under the Safe Drinking Water Act (HR 7231). This effort establishes a minimum federal floor for protecting drinking water from hydraulic fracturing. According to the EPA, the regulation of underground injection does not require a new permitting process. A state could begin the specific regulation of hydraulic fracturing by issuing a general rule for hydraulic fracturing with safety standards. States already have permit processes for oil and gas wells and they could simply include hydraulic fracturing.

Protect Our Drinking Water: Close the Halliburton Loophole in the Safe Drinking Water Act

- Repeal the Safe Drinking Water Act exemption for hydraulic fracturing.
- Require full chemical disclosure and monitoring of hydraulic fracturing products.
- Require non-toxic hydraulic fracturing and drilling products.

Visit www.ogap.org for more information.

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CITATIONS

¹ U.S. Environmental Protection Agency, August, 2002. DRAFT Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. EPA 816-D-02-008.

² The Endocrine Disruption Exchange, Inc. February 2009. Products and Chemicals Used in Fracturing. <http://www.endocrinedisruption.com/chemicals/fracturing.php>

³ Wilson, W. October 8, 2004. Letter to Senators Allard, Campbell and Representative DeGette. Available on the Oil & Gas Accountability website: <http://www.earthworks-action.org/publications.cfm?pubID=372>

⁴ U.S. Environmental Protection Agency, August, 2002. DRAFT Evaluation of Impacts to Underground Sources of Drinking Water by Hydraulic Fracturing of Coalbed Methane Reservoirs. EPA 816-D-02-008. This draft cites or discusses: Mukherjee, et al (1995), Palmer and others (1991a), Samuel et al. (1997), Willberg et al (1997).

⁵ Mukherjee, H.I., Paoli, B.F., McDonald, T. and Carlaya H. 1995 'Successful control of fracture height growth by placement of an artificial barrier.' SPE Production and Facilities, 10(2): 89-95. (cited on page A-18 of the draft EPA Report)

⁶ IN THE SUPREME COURT OF TEXAS, No. 05-0468, Coastal Oil & Gas Corp. and Coastal Oil & Gas USA, L.P., Petitioners, v. Garza Energy Trust et al., Respondents, On Petition for Review from the Court of Appeals for the Thirteenth District of Texas, Argued September 28, 2008.

⁷ (Schlumberger. Green Chemistry: Earth-friendly GreenSlurry system for uniform marine performance.) <http://www.slb.com/content/services/stimulation/execution/greenslurry.asp>

⁸ See L. Sumi's discussion in Our Drinking Water at Risk (2005). Two relevant industry studies on non-toxic fracturing fluids include: (i) T.L. Logan. 1994. "Preliminary results of cooperative research efforts with Phillips Petroleum Company and Amoco Oil and Gas Inc., San Juan Basin." Quarterly Review of Methane from Coal Seams Technology. April 1994 11(3&4):39-49. (ii) Puri, R., King, G.E., Palmer, I.D. Amoco Production Co. 1991. 'Damage to Coal Permeability During Hydraulic Fracturing.' Paper presented at the Rocky Mountain Regional Meeting and Low-Permeability Reservoirs Symposium, Denver, CO, April 15-17, 1991.

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CITY CLERK

Independent
Oil & Gas Association
of New York

Tuesday, January, 18 2010

BANNING FRACKING

Buffalo Common Council
Attn: Legislative Staff
Room 1413 A - City Hall
Buffalo, NY 14202

Dear Buffalo Common Council Members:

We understand that the Buffalo Common Council is considering a proposal seeking to greatly restrict, and potentially even ban, the responsible development of clean-burning natural gas resources anywhere within the city of Buffalo. The Common Council's advance of this proposal may seem harmless -- as there are no known deposits of Marcellus Shale, which is rich in natural gas, beneath the City of Buffalo. But this proposal is nonetheless harmful and incorrect, as it would reflect poorly on the people of the City of Buffalo and its government.

The City of Buffalo -- which has been known world-wide for its' ability to harness the physical, cultural and intellectual strengths of the city and transform those unique qualities into sustainable and positive growth - should avoid short-term "feel-good" legislation premised without a proper scientific exploration.

On behalf of the Independent Oil and Gas Association of New York (IOGANY), we implore the members of the Common Council to take time before they take an action that will send the wrong signal to the private investment community. The City of Buffalo should not become known as a place willing to replace the rigorous and open-minded skepticism of science with the inflexible certainty of pabulum. In fact, operators have been developing wells in New York -- indeed, in Western New York - for more than 60 years with a very positive safety record.

According to published reports, some members of the Common Council have stated that they perceive a need to advance a resolution to stop a process that will pollute our waters. Yet there is no impending threat to the waters in and around Buffalo from natural gas production. The truth is that wastewater from natural gas production must **already be reused and recycled**, or collected and treated at an authorized wastewater treatment facility. **DEC approval is required** before the receiving treatment facility can accept the wastewater for processing and/or disposal.

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The Pennsylvania State University's School of Forest Resources -- along with several county offices of Penn State Cooperative Extension -- has undertaken a comprehensive study on the potential impacts of Marcellus gas drilling on drinking water supplies. The results of the study will be announced shortly. IOGANY formally requests that the Common Council postpone consideration of this measure -- so that the Council and Buffalo residents might have the benefit of fact based conclusions, instead of misinformed allegations of risk. Indeed, the objective of the Penn State research is to determine the occurrence of groundwater contamination near Marcellus gas drilling sites, to study the factors that are related to contamination (if it occurs), and survey water supply owners to document their experiences with gas drilling and water issues.

The result of this study will be used to recommend potential policy considerations to protect private water wells near Marcellus drilling activity.

The City of Buffalo and surrounding communities are facing some of the most difficult economic circumstances we've seen in generations. The development of natural gas from the Marcellus represents one of the only private sector industries in the state with the potential to generate genuine job growth in this economy.

Quite simply: Natural gas is the raw material of economic growth. And the more of it we have available here in Buffalo, the more stable the price -- and the greater the ability for homegrown companies to compete with far-away firms whose entire business model is founded on low-cost energy and labor. (See attached Wall Street Journal Editorial)

What might not be overtly apparent is the large number of wells that have been safely drilled and hydraulically stimulated in Erie and Niagara counties. Attached, please find a listing of the 1494 active wells in Erie and Niagara counties, with **two wells operating inside the Buffalo city limits**. This data is derived from the NYSDEC database, which has records for the more than 14,000 active wells across the State, as well as the many more which were previously drilled and are now closed or abandoned.

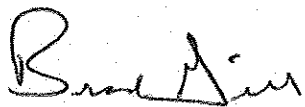
As we understand it, the proposal to be considered by the Council attempts to pre-empt existing state law, and in the process, seeks to deny thousands of city residents the fundamental ability to develop their mineral rights for the benefit of themselves, their families, their state, and their nation. Putting aside whether such an action would be considered legal in a court of law, the real question is whether it can be considered helpful to this city at this point in time.

I implore you to afford IOGANY and our members the opportunity to explain in greater detail the history of natural gas production in New York and, and the extent to which IOGANY takes seriously our commitment to be good neighbors in the community and even stewards of the air, water and surrounding environment here in Western New York.

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In conclusion, there are no known deposits of Marcellus Shale under the City of Buffalo. Last month, the National Fuel Gas Company announced that it "has no plans to pursue Marcellus Shale drilling in New York State." Yet the availability of low cost natural gas supplies could stimulate the expansion of manufacturing capacity in Buffalo, in steel, glass, foundries, chemicals, fertilizers, and other natural gas intensive industries. Such an expansion would further stimulate the supply chain and generate additional job and tax revenues gains. Abundant gas supplies also could reduce the cost of achieving reductions in greenhouse gas emissions as well as emissions of NOx, SO2, and other pollutants. Additionally, disposal of waste water is highly regulated, and has helped many municipalities finance capital improvements to preventing additional sewage overflows.

As the Common Council takes time and deliberates the merits of natural gas exploration, I invite you to elicit real input from the scientific, environmental and geology professionals who make their living in the natural gas industry. We submit that the Common Council is well-positioned to lead a reasoned discussion – based on facts and good science – and we would be pleased to assist in whatever way we can.

Respectfully submitted,



Brad Gill, Executive Director
Independent Oil & Gas Association of New York

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

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THE WALL STREET JOURNAL.

WSJ.com

December 16, 2010

New York State urgently needs more jobs and new tax revenue, so naturally its political class has decided to reject one of the best economic opportunities in decades. And people wonder why Albany is bankrupt.

Governor David Paterson made headlines last weekend when he vetoed legislation that barred natural gas exploration in the Empire State. He then undercut his own pro-investment message with an executive order that is almost as restrictive. Imagine California, 1848, closing its border to gold miners.

The U.S. is in the early stages of what can only be described as a Shale Gas Rush. About a decade ago the drilling industry made a technological breakthrough in attempting to tap into the Barnett Shale formation in north central Texas. America was suddenly able to extract, cost-effectively, huge amounts of natural gas from tightly packed shale rocks.

That has opened up vast new exploration possibilities, including the 65 million-acre Marcellus Shale formation, which extends from Ohio and West Virginia up through Pennsylvania and upstate New York. A recent Penn State study estimates that Marcellus is the second largest natural gas field in the world. The study notes that Pennsylvania had \$4.5 billion in Marcellus-related investment in 2009, generating nearly \$400 million in state and local tax revenue and 44,000 jobs.

And New York? Once a manufacturing powerhouse, the upstate economy has withered under global competition and the taxes and mandates that flow out of corrupt, liberal, government union-dominated Albany. The region has lost 90,000 manufacturing jobs since 2001.

The drilling industry could compensate with new jobs in construction, trucking, engineering and a variety of attendant services. The industry also pays royalties and leases land from landowners, who pay taxes and buy goods. A July study by the American Petroleum Institute estimates production in the Marcellus could provide \$15 billion in economic output and \$2 billion in state tax revenue over nine years.

Instead, New York has imposed a de facto drilling moratorium because of dubious environmental fears. Shale drilling relies on hydraulic fracturing, the process of blasting a solution that is 99% water and sand (less than 1% chemicals) into rock to release gas deposits. Fracking has been commercially

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viable since 1949 and is responsible for 30% of domestic oil and gas production.

The recent advances in shale gas have come from combining fracking with "horizontal" drilling, which permits wells to move laterally under the surface. Horizontal fracking lets the industry get much more energy out of one well. The industry uses steel casing and cement to prevent fracking fluid from polluting wells and underground reservoirs.

The Environmental Protection Agency and the Ground Water Protection Council, a nonprofit made up of state regulatory agencies, have published studies concluding that fracking is safe. While energy exploration is never risk-free, the Ground Water Council hasn't found a single documented case of fracking having polluted local ground water.

That hasn't stopped New York's powerful green lobby from predicting disaster, and three years ago the state's Department of Environmental Conservation obliged by announcing it would rewrite all regulations, stopping new permits in the meantime. The legislature went further and outlawed even vertical fracking.

Mr. Paterson vetoed this, but his executive order backs the agency ban on horizontal fracking—the real future of the industry—until the new regulations are issued, which he insists should not happen for at least six months. The agency issued draft regulations a year ago that are so onerous they would guarantee that drillers go elsewhere.

Contrast that with Pennsylvania, which has for the most part welcomed the drilling industry. Between July 2009 and June 2010, Pennsylvania's 632 Marcellus wells released 180 billion cubic feet of gas, doubling state production. The Keystone State has used this development to attract more investment in company headquarters, training facilities and service sites—brick-and-mortar capital lost to the Empire State.

It is also positioning itself to lure new manufacturing on the promise of cheap natural gas. Bowing to liberal pressure, Pennsylvania Governor Ed Rendell issued a moratorium earlier this year on drilling permits on state land, though the drilling boom on private land continues. Both Pennsylvania and Canada are looking to lock in gas contracts with businesses in New York, which is one of the country's largest users of natural gas.

Political elites in Albany and New York City live off Wall Street and other service industries, and they think of upstate New York as an environmental museum: a nice place to visit on the weekend but they wouldn't want to develop the resources there. No wonder the once great Empire State can't pay its bills and keeps losing taxpayers to places that want their citizens to prosper.

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Common Council

City of Buffalo

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ARTICLE
GOVERNMENT WORKERS

January 20, 2011

Gerald Chwalinski
Rm. 1308 City Hall
65 Niagara Square
Buffalo, NY 14202

Dear Gerald,

I ask that you please file the attached article entitled "(Government) workers of the world unite!" from the Economist magazine for discussion at the January 25, 2011 Common Council meeting.

Sincerely,

Joseph Golombek Jr.
North District Council Member

JG/tjv

REFERRED TO THE COMMITTEE
ON LEGISLATION.

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(Government) workers of the world unite!

Public-sector unions have had a good few decades. Has their luck run out?

THE past 30 years have been dismal ones for the labour movement. In the American private sector trade-union density (ie, the proportion of workers who belong to unions) has fallen from a third in 1979 to just 7% today. In Britain it has dropped from 44% to 15%. Nor is this just an Anglo-Saxon oddity: less than a fifth of workers in the OECD belong to unions.

There is one big exception to this story of decline, however: the public sector. In the Canadian public sector union density has increased from 12% in 1960 to more than 70% today. In America it has increased over the same period from 11% to 36% (see chart on next page). There are now more American workers in unions in the public sector (7.6m) than in the private sector (7.1m), although the private sector employs five times as many people. Union density is now higher in the public sector than it was in the private sector in its glory days, in the 1950s.

Even countries that have seen a dilution of union density in the public sector have seen it stabilise at a much higher level than in the private sector. In Britain density has fallen dramatically from 82% in 1979, but has stabilised at about 56%. Reliable global statistics are hard to come by; but ev-

idence from many countries (including Germany and Japan) suggests that the gap between the public and private sectors is both substantial and growing.

This private-public shift has transformed the trade union movement. In the 1950s unions were solidly working class, dominated by men who had left school at 16 and leant left on economics but right on social issues. Today they are much more middle-class: more than a quarter of American unionists have college degrees, and even more have liberal views on social and environmental issues.

The shift has also created tension between the public and private sectors. The private sector is dominated by competition and turbulence. Performance-related pay is the norm, and redundancy commonplace. The public sector, by contrast, is a haven of security and stability. Many people have jobs for life and performance measures are rare. The result is a paradox: the typical public worker is better off than the people he is supposed to serve, and the gap has widened significantly over the past decade. In America, pay and benefits have grown twice as fast in the public sector as they have in the private sector.

Now that the sovereign-debt crisis is

forcing governments to put their houses in order, the growing discrepancy between conditions in the public and private sectors has eroded much of the sympathy public-sector workers might once have enjoyed. This briefing will look at what the future holds for them. But first it will try to answer two questions: how did public-sector unions become so powerful? And what impact has their power had on the way the public sector works?

I'm all right, Jack

Public-sector unions are some of the world's most powerful interest groups. Many of them have large memberships and comparably large wallets: the American National Education Association, the main teachers' union, has 3.2m members, an annual budget of over \$300m and a vibrant tradition of political activism. But their influence goes much deeper. In many countries unions prop up the left. In Britain Ed Miliband, the leader of the Labour Party, owes his job to trade-union votes. In America Andy Stern, the head of the Service Employees International Union, was the most frequent guest at the White House in the first six months of Barack Obama's presidency.

Public-sector unions enjoy advantages that their private-sector rivals only dream of. As providers of vital monopoly services, they can close down entire cities. And as powerful political machines, they can help to pick the people who sit on the other side of the bargaining table. Daniel DiSalvo, the author of an excellent essay on America's public-sector unions in *Na-* ▶

ditional Affairs, points out that the American Federation of State, County and Municipal Employees was the biggest contributor to political campaigns in 1989-2004. He also notes that such influence is more decisive in local campaigns, where turnout is low, than in national ones.

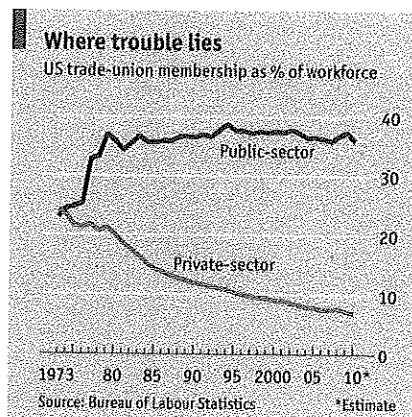
Even if they fail to elect "their" candidates, public-sector unions have a relatively easy time negotiating with politicians. Private-sector bosses are accustomed to playing hardball with unions because they know they can go bankrupt if they don't. Politicians have no such discipline: they can always raise taxes or borrow from future generations. Those who have challenged the unions have often regretted it. California's former governor, Arnold Schwarzenegger, tried to fight the unions in the court of public opinion, only to be outgunned. Others have attempted a more stopgap approach, only to get the blame when services are disrupted.

Economists still debate exactly what impact public-sector unions have on pay. Evidence from the American Bureau of Labour Statistics support the conservative argument that they have used their power to extract a wage premium: public-sector workers earn, on average, a third more than their private-sector counterparts. Left-leaning economists reply that public-sector workers are, on average, better educated. Whatever the merits of this argument, three things seem clear. Unions have suppressed wage differentials in the public sector. They have extracted excellent benefits for their members. And they have protected underperforming workers from being sacked.

Wage differentials are relatively small in the public sector. Lower-level workers, such as secretaries, are usually better paid than their private-sector equivalents, whereas higher-level workers are worse paid. This not only makes it difficult to attract high-flyers into the public sector, but also makes it hard to raise standards by, for instance, putting the best head teachers in charge of groups of schools.

At the same time, benefits are generous in the public sector. Governments tend to give their workers light workloads and generous pensions in lieu of higher wages (which have to come out of the current budget). In America teachers teach for a mere 180 days a year. In Brazil they have the right to take 40 days off a year—out of 200 working days—without giving an explanation or losing a centavo of pay. The defined-benefits revolution that has swept through the private sector has hardly touched the public one: 90% of American state- and local-government workers have defined-benefit plans, compared with 20% of private-sector workers.

Generous pensions have produced an epidemic of early retirement. In Brazil civil servants can retire on full pay after 35 years



on the job (30 for women) and teachers can retire after 30 years (25 for women). The result is that Brazil spends as high a proportion of its GDP on pensions (12%) as Britain does, even though the population is much younger. In Poland soldiers and policemen can retire after just 15 years, so it is possible to come across 33-year-old retirees. Add to this the fact that any public-sector worker can hide behind union power to game the system—82% of senior California Highway Patrol officers discover a disabling injury about a year before they retire—and you have a dysfunctional mess.

Unions have also made it almost impossible to sack incompetent workers. In Greece there is a law against sacking government workers solely on grounds of poor performance. In other countries there might as well be. Mary Jo McGrath, a Californian lawyer, says that "getting rid of a problem teacher can make the O.J. [Simpson] trial look like a cakewalk." In 2000-10 the Los Angeles school district spent \$3.5m trying to get rid of seven of its 33,000 teachers, and succeeded with only five. The problem extends across the country (see page 26).

Incompetence is so endemic that several countries have invented phrases to deal with it. Brazilians joke that public-sector workers turn up on the first day, hang their jackets on the back of the chair, and are never seen again. The Greeks talk about putting incompetents "in the fridge"—giving them pretend jobs. In France it is the cupboard. Americans refer to "the dance of the lemons"—the practice of reassigning bad teachers to new schools rather than getting rid of them. They also refer to the "rubber room" where incompetent or criminal teachers bounce around, often for years, while administrators and unions haggle over what is to be done with them.

Fattening Leviathan

The unions' influence extends to the size and nature of the public sector. Private-sector unions have learned to exercise self-restraint when it comes to pushing for more manpower: they realise that more workers may reduce the wages of their members

and that a higher wage bill may drive their employers out of business. But public-sector unions are relentless in demanding more resources and more personnel, which conveniently translate into more members and more dues.

Their most dramatic success has been in Britain. When Britain's union-backed New Labour government came to power in 1997, public spending accounted for almost 40% of GDP. When it left power in 2010 public spending was nearly 50% of GDP (partly, to be fair, as a result of recession), and 1m workers had been added to the public-sector payrolls. In California, as Mr DiSalvo points out, the prison guards' union has been one of the leading advocates of getting tough on crime. The result of this policy has been a dramatic increase in both the size of the state's prison-industrial complex (from 12 prisons in 1980 to 33 in 2000) and the pay of the people who run it (prison guards in 2006 made \$70,000 a year in base salary and \$100,000 with overtime). But public-sector unions can prosper simply by opposing rationalisation: Buffalo, in New York state, has as many public workers in 2006 as it did in 1950, despite the fact that the city has lost half its population.

Public-sector unions combine support for higher spending with vigorous opposition to more accountability. Almost everywhere they have demonised competition, transparency and flexible pay. Teachers' unions have often acted as the Praetorian Guard in this fight. In Poland they are up in arms against attempts to increase the number of hours a week (a mere 18) they have to spend teaching. In São Paulo state, in Brazil, teachers have organised huge marches against government attempts to link promotion to performance and to reduce the number of days they can take off without notice. In Greece they have fought four consecutive education ministers from different parties over performance reviews. In Britain they are trying to kill "free" schools, which can be set up outside local-authority control. In America they have fought relentlessly against charter schools (which escape union rules about pay and promotion) and scholarship schemes (which give choice to parents).

The teachers' unions have an impressive record of terminating reformers. When Marietta Giannakou, the education minister in the last New Democracy government in Greece, insisted on teacher accountability, she lost her seat at the next election. Michelle Rhee, the chancellor of the awful school system in Washington, DC, closed failing schools, fired more than 200 ineffective teachers and principals, and advocated merit pay. But the unions fought her every step of the way, using their muscle first to get rid of her patron, the city's mayor, and then to bring about her own resignation.

It is impossible to calculate the cost of the unions' inflexibility. But several recent studies provide some indications. Policy Exchange, a conservative think-tank, calculates that people in the British private sector work 23% more hours than their public-sector counterparts over their lifetimes, thanks to public-sector strikes, sick days and early retirement. Barry Bluestone, a left-wing economist, calculates that the price of America's public services increased by 41% in 2000-08, while that of private services rose by 27%. Eric Hanushek, an economist at Stanford University, argues that replacing the bottom 5-8% of American teachers with merely average performers could move the United States from near the bottom to near the top of the international maths and science rankings.

The rigidity of the public sector does not merely reduce the quality of services. It also discourages innovation. In the private sector innovative firms routinely experiment with new business models, measure the success of those models and then expand successful ones. But whenever public-sector managers have tried to do the same—by establishing magnet schools that focus on certain subjects, or charter schools with longer teaching days, for example—the unions have opposed them. In France they have blocked any attempt to introduce more flexibility into the country's highly centralised education system, or indeed to change it at all.

Only Germany provides a chink of light. There, although around 60% of public-sector workers are unionised, wage increases in the public sector have lagged behind those in the private sector. And though civil servants, who make up nearly half the public-sector workforce, enjoy both special pension schemes and job security, they are not allowed to strike. Indeed, the idea of going on strike for political reasons is unthinkable among all public-sector workers in Germany.

The battle ahead

Public-sector unions now face the biggest challenge in their history. Governments almost everywhere—particularly in the rich world—are being forced to cut back public spending. Many governments (for example in Ireland, Greece and Spain) are cutting public-sector pay. Others (for example in Japan and America) are freezing it. Greece is increasing the retirement age from 58 to 63 and making it possible to fire public servants. Britain is cutting government departments by as much as a quarter, and is reviewing pensions.

In the United States several rising Republican governors are keen to turn the short-term struggle over pay and benefits into a bigger battle about trade-union power. New Jersey's Chris Christie (see page 28) and Minnesota's Tim Pawlenty have both eagerly taken on the new "privileged class"

of public-sector workers. Do the public exist to serve public-sector workers with their high pay and inflated benefits, they ask, or do public-sector workers exist to serve the public?

Even people on the left are beginning to echo these complaints. Andrew Cuomo, the incoming Democratic governor of New York, is rattling his sabre against public-sector unions despite the fact that they make up an important part of his base. Davis Guggenheim, an impeccably liberal film director whose credits include Al Gore's "An Inconvenient Truth", subjected the teachers' unions to a merciless critique in "Waiting for Superman", flagellating them for perpetuating a broken system and presenting Randi Weingarten, the head of the American Federation of Teachers, as "something of a foaming satanic beast", as the *Variety* reviewer put it.

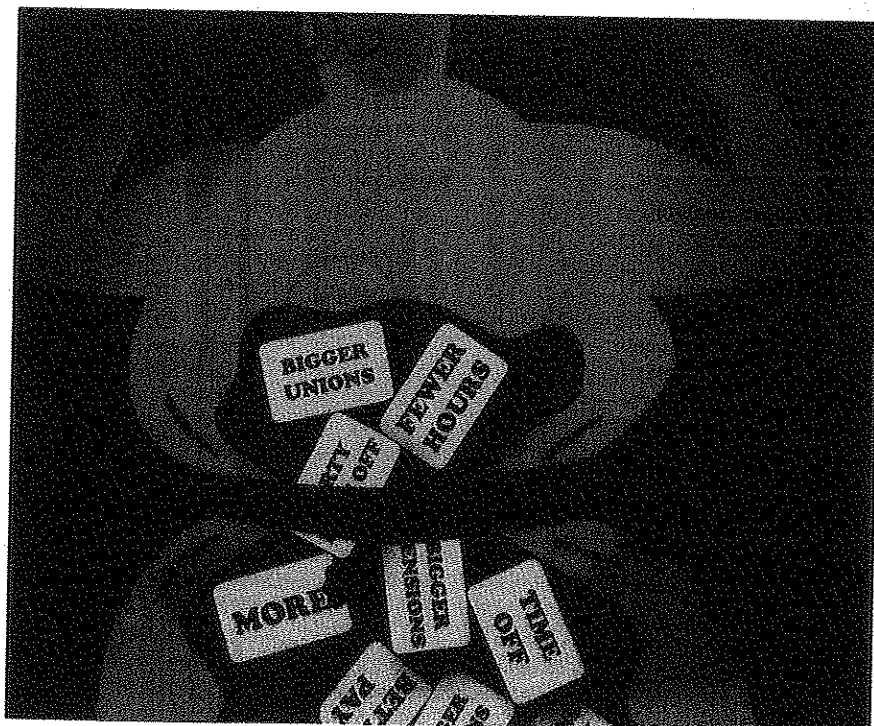
The unions have responded by proclaiming war on cost-cutting governments. They have already organised strikes and protests. Millions of French workers marched against Nicolas Sarkozy's modest plans to raise the retirement age by two years. Hundreds of thousands of people have taken to the streets in Ireland and Greece against austerity measures. London Underground workers have repeatedly paralysed transport in the city. But this is a mere prelude. Unions across Europe have promised strikes in 2011 on a scale not seen since the 1980s.

Public-sector unions will find it hard to win these battles. They have not been particularly successful in mobilising public anger, considering the scale of the cut-backs. Nor have they notched up any notable victories: the Greek and Irish govern-

ments have implemented their austerity packages and Nicolas Sarkozy has raised the retirement age. They are also discovering that many people in the private sector regard their public-sector colleagues as an overprivileged elite. Spanish civil servants were shocked at how little support they got when, last June, they protested against a 5% cut in pay. And a recent poll showed that 65% of people in stick-in-the-mud Greece want civil servants to lose their job security.

The pressure to rationalise the public sector is likely to continue in coming years. The debt level in OECD countries is expected to rise to 120% of GDP by 2014, thanks to a combination of ageing populations and inherited obligations, some of them driven by the public sector's insatiable appetite for pensions. Joshua Rauh, of the Kellogg School of Management at Northwestern University, reckons that seven American states will have exhausted their pension assets by 2020.

It would be a mistake to write off the public-sector unions. They are masters of diverting attention from strategic to tactical questions. Undoubtedly the unions will lose some of their privileges over the coming years; the scale of the debt crisis makes this inevitable. But will governments have the courage to tackle the root causes of the problem (such as pensions) rather than dealing with secondary problems (such as wages)? And will they dare to tackle questions of power rather than just pay and perks? If they are to claim victory in the coming fight, they need not just to restore the public finances to health. They also need to breathe the spirit of innovation into Leviathan. ■



Excerpts from Phone Conversations with Texas Residents

Sharon Wilson { Oil and Gas Accountability Project } www.OGAP.org

- "...drillers will drill anywhere, 10 feet from a river, in a cemetery, you would be amazed. There are hundreds of locations like this in the city. They'll put wells 200 feet from people's houses. The method they use often is a waiver system, where they will buy consent from residents. One of the most inspiring victories we've had is a low-income African-American community, where resident were promised \$8000 a piece to sign the waiver [which is then brought to city council to secure a variance that would allow them to drill closer than regulations allow]. They banded together and refused to sign...but it doesn't always work like that."

-Q: Do they use all those trucks of water that we saw in Gasland? With 600 tanker trucks full of water?

A: Not always. The truck traffic is still out of hand, but in some cases they will use municipal water, fire hydrant water, and in others they will run 14" aluminum piping for miles from the nearest water source and extract from there. Sometimes the pipes will run for longer than a mile.

- "...looking at the history, they'll dump [flowback water] anywhere. Some of it is hard to track, but just as an example of their negligence, I did catch them on camera dumping the sewage from their operation all over the field they were working in. they didn't try to stop me or anything."

- flowback water is untreatable by any current methodology, a combination of as many as 596 chemicals in over a thousand chemical compounds, this, as well as shale elements, radionuclides and brine from underground return from the injection process. Roadside dumping, illegal dumping in streams, evaporation from flowback storage pits (ubiquitous practice in rural drilling). Windrows of "remediation sites" are created at some off-site "treatment facilities" and sometimes underground mineshafts, empty natural gas wells or other underground formations are used from exported wastewater, dilution-dumping into the ocean, or treatment (and likely cross-contamination) using municipal water-treatment facilities. All treatments are, by definition, partial.

- "I moved out of the city 10 years ago because of the smog, but you wouldn't believe how much worse it has gotten. And now fracking has come to my town, outside of Fort Worth. We don't know what to do."

- "Fort Worth is not place doing intensive urban drilling. They've drilled in Flower Mound, Argyle, Denton. Mostly a company, Range Resources. They're up there in Pennsylvania, too, I think."

Don Young—Fort Worth Can-Do Blogsite— www.fwcando.org

- "sure they say they need a 5-acre site, but I don't think that's always the case. They've drilled in some really tight spots. They make one way in and out and they're off and running, with all those trucks. I think I heard that gas drillers are now the single largest landowner in Fort Worth. But also what they don't tell you is, if they get a big enough spot, they'll put 20, 25 wellheads on a property."

-“most property owners have leased their mineral rights. At this point, I think most people have given up and they’ll take what they can get.”

REFERRED TO THE COMMITTEE
ON LEGISLATION.

New York State Petroleum Council

Michael R. Doyle
Executive Director

A Division of the American Petroleum Institute

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Cathy A. Kenny
Associate Director NYC

NATURAL GAS EXTRACTION

STATEMENT OF CATHY A. KENNY

Associate Director

New York State Petroleum Council

before

The Committee on Legislation

of

The Common Council of the City of Buffalo

City Hall

Tuesday, January 18, 2011

Regarding Proposed Chapter Amendment 288, Natural Gas Extraction Prohibition

Cathy Kenny

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Good afternoon, Mr. Chairman and members of the Committee on Legislation. I am Cathy Kenny, the Associate Director of the New York State Petroleum Council. The Petroleum Council is a trade association that represents a number of major-branded petroleum companies that market in this state. We are a division of the Washington, DC-based American Petroleum Institute (API) which represents over 400 companies engaged in all aspects of the oil and gas industry, including exploration, production, refining and marketing. Locally, our member companies include Amerada Hess Corporation, BP America, Inc., ConocoPhillips, ExxonMobil Corporation and Shell Oil Company.

I would like to thank you for this opportunity to address the Committee on the Ordinance Amendment, Chapter 288 relating to Natural Gas Extraction Prohibition. Although there has been no natural gas drilling within the city limits of Buffalo for over ten years, we think it is important to focus your attention on three important issues:

- The first relates to the very broad reach of the proposed ordinance and its factual accuracy;
- The second raises the issue about the “message” proponents of this legislation intend particularly at this time in the City’s history which is experiencing tepid economic growth; and
- The third relates to the issue of state preemption under Article 23 and subsequent amendments of the Environmental Conservation Law.

First, the ordinance essentially prohibits the commercial extraction of natural gas because it “...poses a significant threat to its residents’ health, safety and welfare...” Whether the public

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realizes it or not, oil and natural gas drilling is not new to New York. In 1821, the first gas well was excavated in the village of Fredonia—just about 50 miles from where we are sitting today. To date, more than 75,000 oil and natural gas wells have been drilled in the state, including in the City of Buffalo; 14,000 of these remain active and have had an excellent track record on environmental compliance and safety standards. It is an important industry for New York, perhaps even more important than ever before in these recessionary times in a state with an unemployment rate of over 8 percent.

I would like to note here that although high volume hydraulic fracturing is not mentioned in the proposed ordinance, it has been part of the discussion in the recent public hearing before this committee and in news accounts; for this reason I think it is appropriate to address the issue. Hydraulic fracturing operations are also not new—the process has been used in the United States for more than 60 years in more than one million wells—although the technology has been improved. This drilling method is highly regulated and monitored in New York. Before a natural gas well can be drilled, the state approves the engineering design of the well casing and cementing program and site plan. It then monitors the drilling operations. Because of this rigorous regulatory oversight, the types of problems reported to have occurred in states without such strong environmental laws and rigorous regulations have not happened here. In fact, according to DEC there has been “...no record of any documented incidents of groundwater contamination caused by hydraulic fracturing for gas well development in New York despite the use of this technology in thousands of wells across the state during the past 50 or more years.” This is an incredible record for any industrial activity. The Marcellus Shale procedures now

being finalized by DEC will provide the most rigorous rules for drilling in the country and ensure that the state's natural resources, including drinking water sources, remain protected.

Therefore, calling for a ban on all natural gas drilling because it is a "significant threat" to the residents of Buffalo belies the long history of safe drilling practices in this state. This proposed ordinance is extremely broad and would ban *all* natural gas drilling regardless of the process used—horizontal or vertical, that is, whether it uses high volume hydrofracturing or not. This is the very reason former Governor Paterson vetoed legislation recently passed by the state legislature. The legislation would have the very same effect as this ordinance and would have halted all gas drilling in the state and with it the loss of some 5,000 jobs. Legislators should be mindful that natural gas drilling operations involve multiple industries/business groups—environmental consultants, bankers, lawyers, surveyors, excavators, equipment manufacturers, heavy equipment haulers, pipefitters, welders, oil field service companies and their subcontractors, road construction and maintenance contractors, equipment manufacturers, chemical supply companies, drilling contractors, food service companies, fuel oil supply companies, environmental engineers, computer engineers, landscaping companies, water treatment specialists, waste and garbage haulers and recycling companies—and these are just those that come to mind—I am sure I am omitting some. Therefore, while there may be no natural gas drilling within the city limits, it is feasible, since natural gas wells are abundant in Erie County (I have a DEC map which identifies the many sites), that the industry employs residents of Buffalo. How should these residents/businesses view this legislation?

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The second point I would like to discuss is the “message” that certain environmentalists wish to send according to a news report in the *Buffalo News*. By supporting this ordinance while a very public review process that is considering the scientific, engineering and environmental impacts of the Marcellus drilling process has yet to reach a conclusion, the only message that can be gleaned is that a judgment is being made that all natural gas drilling should be banned. If the “message” of this legislation is to encourage other localities to act accordingly, how will the state meet its natural gas demand? There are clearly very significant economic development and energy considerations involved in addition to some very complex engineering and scientific considerations in progress that deserve a full hearing and a public debate. We know of no other issue in recent memory that is receiving the full-fledged and open examination that high volume hydrofracturing is—by the regulatory agencies—both federal, state and even interstate—and the public. This is not something that has been settled in a back room, but has received a full airing in public forums all over the state and will be decided in the same manner.

Finally, there remains the issue of preemption. “Environmental Conservation Law §§23-0303(2) and 23-1901 (2) expressly provide that the State Oil and Gas and Solution Mining Law supersedes all local laws or ordinances relating to oil and gas drilling and related activities, laws enacted by local governments or agencies that impose fees. There are two notable exceptions to this broad prohibition: local governments maintain full jurisdiction over local roads and their rights under the real property tax law; and localities may tax oil and gas production in their towns under procedures developed by the state Office of Real Property Services. Therefore, the ordinance has no meaning as it is clearly preempted by state law.

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In conclusion, in addition to the preemption by state law, this ordinance assumes facts that remain under investigation and discussion and broadly bans all natural gas drilling without just cause. As noted in a recent *Buffalo News* editorial (January 10, 2011) while the nation's GDP averaged 2.7 percent each year from 2001 to 2006, the upstate GDP averaged 1.7 percent. This same editorial notes that "...the Empire Center for New York State Policy recently observed that over the past two decades, nearly all of New York's weak job growth occurred south of the mid-Hudson Valley...Upstate, aside from the Capital Region, remained a picture of stagnation when measuring net growth in private sector jobs." The Council is surely aware of these stark statistics and that between 2001 and 2008, Buffalo lost 30 percent of its manufacturing jobs. For this reason this ordinance is particularly troubling. In a city that by all accounts is in a serious economic crisis, to take a position before all the facts are in on such an important issue as the future of the state's energy resources, takes the city's focus away from meaningful legislative action and sends a message to the business community that the City of Buffalo has an inhospitable business environment.

For the foregoing reasons, we urge defeat of this measure. Thank you for the opportunity to present the industry's views.

REFERRED TO THE COMMITTEE
ON LEGISLATION.



FACT SHEET

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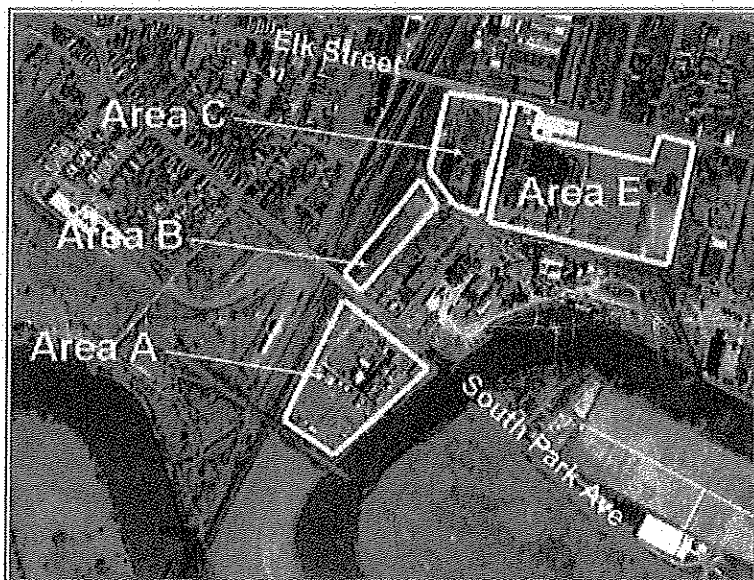
NYSDEC Certifies (Cleanup at Buffalo Color Corp.) Area C Site

Brownfield Cleanup Program**Site Number C915231****January 2011**

Introduction

The New York State Department of Environmental Conservation (NYSDEC) is pleased to announce that remediation of the Buffalo Color Corp. (BCC) Area C Site in the City of Buffalo has been completed. Remediation refers to actions taken to eliminate, abate, or contain contamination that may be harmful to public health, welfare, or the environment. The remediation addressed elevated levels of soil and groundwater contaminants associated with past facility operations.

NYSDEC has issued a Certificate of Completion to the applicant regarding the site. A copy of the Notice of the Certification of Completion is available at the locations identified in this fact sheet.



Description of Completed Remedial Activities

The site remediation was accomplished by completing the following cleanup actions, which included:

- Preparing two existing structures for post-remediation reuse and redevelopment;
- Excavating soil impacted by specific contaminants, properly disposing the material, backfilling the excavation with clean fill, and adding an oxygen releasing bio-stimulant to the clean backfill to treat residual volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) in adjoining soil and groundwater;
- Covering the site with an integrated cover system consisting of one foot of vegetated soil or gravel, and utilizing existing buildings and pavement for the balance of cover over the site; and
- Developing a site management plan with institutional and engineering controls that will be implemented during redevelopment and reuse of the site. An institutional control is a legal or administrative restriction placed on the use of the site when residual contamination left after the cleanup action makes the site suitable for some but not all uses. An engineering control is a physical barrier or method to manage contamination, such as a soil cover system.

The remedial measures successfully addressed contamination and will serve as the final remedy for the site.

What Controls Are in Place to Ensure the Effectiveness of the Cleanup?

The site owner will be required to adhere to Institutional and Engineering Controls as stipulated in the Site Management Plan (SMP). The plan specifies that:

- The site may be used for commercial and industrial purposes. Any residential use is prohibited;
- Vapor intrusion from residual VOCs in the soil and groundwater must be evaluated for new and existing structures and if warranted, active vapor intrusion mitigation systems must be installed, operated, maintained and monitored until testing shows that it is no longer needed;

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- Procedures must be implemented according to an Excavation Work Plan to minimize human and ecological exposure if future work on the site requires the disturbance of the remaining impacted soil;
 - Long-term groundwater monitoring is required to monitor the effectiveness of the remediation measures; and
 - A site-wide inspection assuring that the Institutional and Engineering controls have not been altered and remain effective must be conducted in accordance with the SMP.

Next Steps

NYSDEC issued the Certificate of Completion based on review and approval of a Final Engineering Report submitted by the applicant. With the receipt of a Certificate of Completion the applicant:

- Has no liability for contamination at or coming from the site, subject to certain conditions; and,
- Is eligible for tax credits to offset cleanup and redevelopment costs.

A Certificate of Completion may be modified or revoked if, for example, the applicant commits fraud regarding its application or its certification that it has met cleanup levels.

Site Background

The site is located in an industrial area of the City of Buffalo and is bounded by the former industrial BCC Area B to the south, an active railroad corridor to the west, Elk Street to the north and Lee Street to the east. Over the last 100 years, the Site has been used for chemical dye-stuff manufacturing purposes. Remediation at the site addressed intermediate dye-stuff chemicals (VOCs and SVOCs), polycyclic aromatic hydrocarbons (PAHs), and metals contamination. The completion of remedial activities at the site means that the owner may proceed with commercial and industrial development of the site.

Who Should I Call If I Have Questions About the Site?

Public participation is important for the success of New York's remedial programs. We welcome questions and comments.

Environmental Questions:

Eugene W. Melnyk, PE
NYSDEC
270 Michigan Avenue
Buffalo, New York 14203
(716) 851-7220
ewmelnyk@gw.dec.state.ny.us

Health Questions:

Nathan Freeman
NYS Department of Health
547 River St., Rm. 300
Troy, NY 12180
(518) 402-7860
ntf01@health.state.ny.us

Project Questions:

John Yensan
South Buffalo Development, LLC
333 Ganson Street
Buffalo, NY 14203
(716) 856-3333 Ext. 302
jyensan@oscinc.com

Where Can I Find More Information about the Site?

To help the public stay informed, NYSDEC has established two locations at which you may view public documents. The locations include:

Dudley Branch Public Library
2010 South Park Avenue
Buffalo, NY 14220
Phone: (716) 858-8900

NYSDEC Region 9 Office
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7220 (Please call for appointment)

RECEIVED AND FILED

Electronic versions of project documents are also available at <http://www.dec.ny.gov/chemical/52854.html>.

Information about sites in the State's remedial programs will now be distributed electronically by email. If you would like to continue receiving information, please sign up at the Erie County email listserv at <http://lists.dec.state.ny.us/mailman/listinfo/eriecountycleanupnews>.

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NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name SOUTH BUFFALO DEVELOPMENT LLC	Address 333 Ganson Street, Buffalo, NY 14203
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BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 4/1/09 **Agreement Execution:** 4/27/09 **Agreement Index No.:** B9-0784-08-06

Application Approval Amendment: none **Agreement Execution Amendment:** none

SITE INFORMATION

Site No.: C915231 **Site Name:** Buffalo Color Corporation Site Area C
Site Owner: SOUTH BUFFALO DEVELOPMENT LLC
Street Address: 229 Elk Street
Municipality: Buffalo **County:** Erie **DEC Region:** 9
Site Size: 6.030 Acres
Tax Map Identification Number(s): 122.12-1-30, 122.12-1-35, 122.12-1-36
Percentage of site located in an EnZone: 100 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Commercial and Industrial

Cleanup Track: Track 4: Restricted use with site-specific soil cleanup objectives

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.
Tangible Property Credit Component Rate is 20 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 25 %.
Tangible Property Credit Component Rate is 18 %.

The Remedial Program includes use restrictions or reliance on the long term employment of institutional or engineering controls which are contained in the approved Site Management Plan and an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2010199446.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(c) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation;
- (5) either the Applicant or the Applicant's successors or assigns failed to manage the controls or monitoring in full compliance with the terms of the remedial program;
- (6) the terms and conditions of the environmental easement have been intentionally violated or found to be not protective or enforceable.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Peter M. Iwanowicz
Acting Commissioner
New York State Department of Environmental Conservation

By: 
Dale A. Desnoyers, Director
Division of Environmental Remediation

Date: DEC 28 2010

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NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

(Site Name) Buffalo Color Corporation Area C, (Site ID No.) C915231
(Site Address) 229 Elk Street, Buffalo New York

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to South Buffalo Development LLC for a parcel approximately 6.03 acres located at 229 Elk Street in the City of Buffalo, Erie County.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

- ☐ Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)i.
- ☐ Restricted Residential Use, as set forth in 6 NYCRR 375-1.8(g)(2)ii.
- ☒ Commercial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iii.
- ☒ Industrial Use, as set forth in 6 NYCRR 375-1.8(g)(2)iv.

[Include the following paragraph if there is a groundwater use restriction]

Further, the use of groundwater is restricted and may not be used, unless treated in accordance with the requirements provided by the New York State Department of Health, or a local County Health Department with jurisdiction in such matters and such is approved by the Department as not inconsistent with the remedy.

PLEASE TAKE NOTICE, since the remedial program relies upon use restrictions or the long term employment of institutional or engineering controls; such institutional or engineering controls are contained in an Environmental Easement granted pursuant to ECL Article 71, Title 36 which has been duly recorded in the Recording Office for Erie County as 2010199446.

PLEASE TAKE NOTICE, the Environmental Easement requires that the approved site management plan (SMP) for this property be adhered to. The SMP, which may be amended from time to time, may include sampling, monitoring, and/or operating a treatment system on the property, providing certified reports to the NYSDEC, and generally provides for the management of any and all plans and limitations on the property. A copy of the SMP is available upon request by writing to the Department's Division of Environmental Remediation, Site Control Section, 625 Broadway, Albany, New York 12233.

PLEASE TAKE NOTICE, provided that the Environmental Easement, SMP and Certificate are complied with, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in

Buffalo Color Corporation Area C, Site # C915231, 229 Elk Street, City of Buffalo

accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, the Certificate may be revoked if the Environmental Basemap as implemented, if applicable, is not protective or enforceable.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 9 located at 270 Michigan Avenue, Buffalo, New York 14203-2915 by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

(Applicant)

By: Jon M. Williams

By its Manager SBD Holdings I, Inc.

Title: Jon M. Williams, President SBD Holdings I, Inc.

Date: December 28, 2010

STATE OF NEW YORK) SS:
COUNTY OF ERIE)

On the 28th day of December, in the year 2010, before me, the undersigned, personally appeared Jon M Williams, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Nancy L. Mazur
Signature and Office of individual
taking acknowledgment

NANCY L. MAZUR

Notary Public, State of New York
Qualified in Erie County No. 1768930

12/03/09 My Commission Expires 12 30, 2013

Please record and return to:
South Buffalo Development, LLC
333 Ganson Street
Buffalo, New York 14203



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Site Management Form
12/23/2010



SITE DESCRIPTION

SITE NO. C915231

SITE NAME Buffalo Color Corporation Site Area C

SITE ADDRESS: 229 Elk Street ZIP CODE: 14210

CITY/TOWN: Buffalo

COUNTY: Erie

ALLOWABLE USE: Commercial and Industrial

SITE MANAGEMENT DESCRIPTION

SITE MANAGEMENT PLAN INCLUDES:

YES NO

IC/EC Certification Plan



Monitoring Plan



Operation and Maintenance (O&M) Plan



Periodic Review Frequency: once a year

First Periodic Review Date: 06/15/2012

Description of Institutional Control

South Buffalo Development, LLC

Part of 5 Babcock Street

Environmental Easement

Block: 1

Lot: 30

Sublot:

Section: 122

Subsection: 12

S_B_L Image: 122 12-1-30

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 35

Sublot:

Section: 122

Subsection: 12

S_B_L Image: 122.12-1-35

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Lot: 36

Sublot:

Section: 122

Subsection: 16

S_B_L Image: 122.12-1-36

Building Use Restriction

Ground Water Use Restriction

IC/EC Plan

Landuse Restriction

Monitoring Plan

Site Management Plan

Soil Management Plan

Description of Engineering Control

South Buffalo Development, LLC

Part of 5 Babcock Street

Environmental Easement

Block: 1

Lot: 30

Sublot:

Section: 122

Subsection: 12

S_B_L Image: 122.12-1-30

Cover System

Lot: 35

Sublot:

Section: 122

Subsection: 12

S_B_L Image: 122.12-1-35

Cover System

Lot: 36

Sublot:

Section: 122

Subsection: 16

S_B_L Image: 122.12-1-36

Cover System

County: Erie

Site No: C 915231

BCA Index No. B9-0784-08-06

Certificate of Completion
Exhibit A

SCHEDULE "A" AND ENVIRONMENTAL EASEMENT DESCRIPTION

229 Elk Street, 145 Prenatt Street, 5 Babcock Street
City of Buffalo, Erie County, NY
Section 122.12 Block 1 Lot(s) 30, 35 & 36

Area C

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie, State of New York, being part of Lot Nos. 134 and 137, Township 10, Range 8 of the Buffalo Creek Reservation, bounded and described as follows:

BEGINNING at a point of intersection of the southerly line of Elk Street with the westerly line of Lee Street;

Thence southerly along the westerly line of Lee Street, S13°45'01"W a distance of 709.59 feet more or less to the northerly line of Prenatt Street, said point being the north east corner of Prenatt Street as closed on September 9, 1955 and recorded in Liber 5836 of deeds at page 182, parcel B;

Thence southerly, along the east line of Prenatt Street as closed, S42°59'37"W a distance of 27.15 to a point, which point is the northeast corner of lands conveyed to the Buffalo Creek Railroad Company by deed filed in the Erie County Clerks Office in Liber 6040 of deeds at page 437;

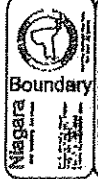
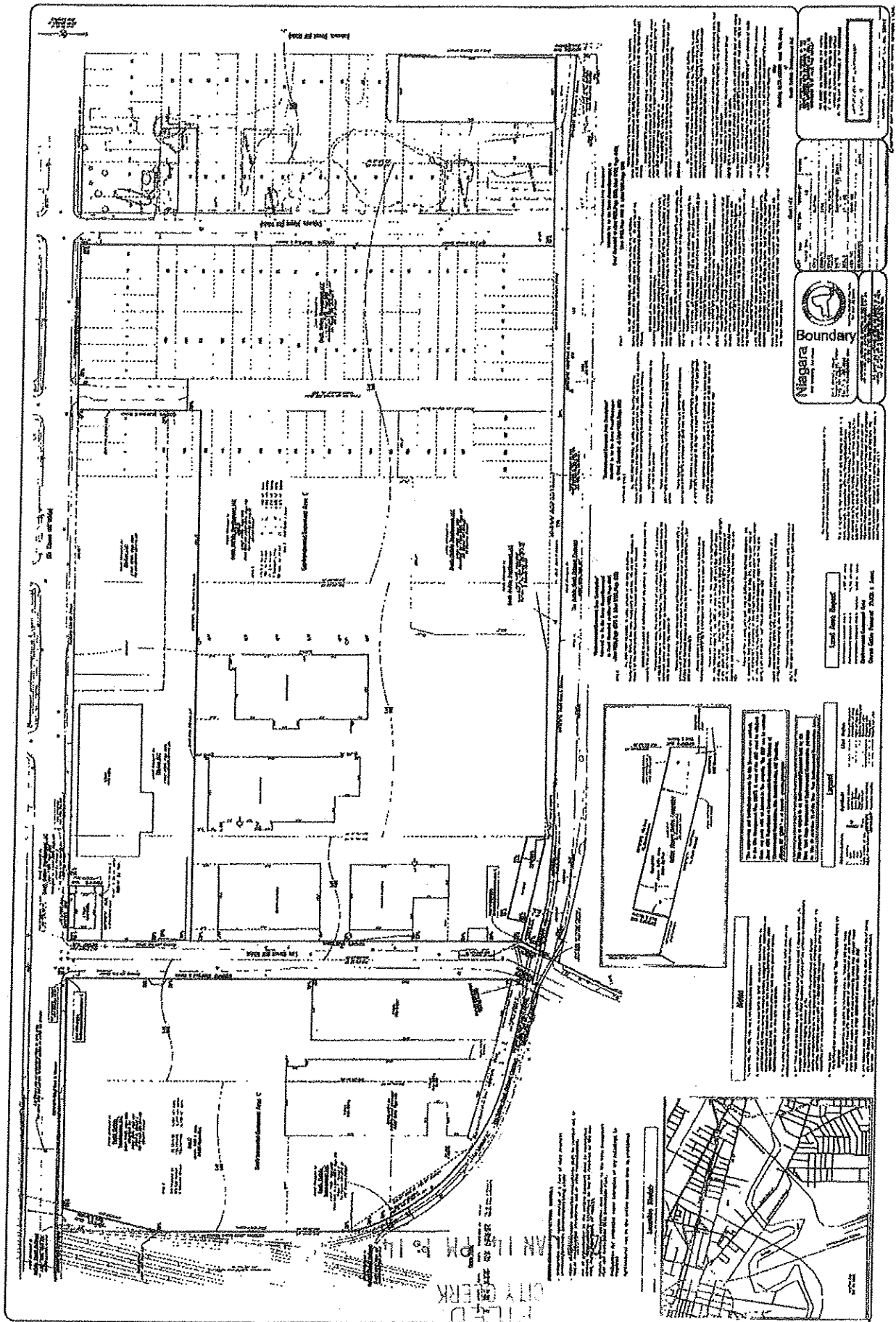
Thence westerly along the north line of lands conveyed to the Buffalo Creek Railroad Company N63°37'29"W a distance of 143.31 feet to a point of curvature;

Thence continuing along the north line of lands conveyed to the Buffalo Creek Railroad Company by deed in Liber 6040 of deeds at Page 437 and Liber 1364 of deeds at Page 538, along a curve to the right with a radius of 330.00 feet, a delta of 62°32'03", an Arc Length of 360.17 feet and a chord bearing of N32°20'25"W a chord distance of 342.56 feet to a point on the east line of lands conveyed to said Buffalo Creek Railroad Company by deed recorded in Liber 250 of Deeds at Page 319, and the west line of Lot 137;

Thence northerly along said east line of Buffalo Creek Railroad Company's land as conveyed by deed recorded in Liber 250 of Deeds at Page 319, and the west line of Lot 137 N13°36'03"E a distance of 309.89 feet to a point, which point is the south corner of lands conveyed to the Buffalo Creek Railroad Company by deed filed in the Erie County Clerk's Office in Liber 1364 of Deeds at page 538;

Thence northeasterly along the Buffalo Creek Railroad Company lands on a record deed bearing of N26° 34' 36"E, and measured bearing of N 26°41'16"E a distance of 158.99 feet to the southerly line of Elk Street;

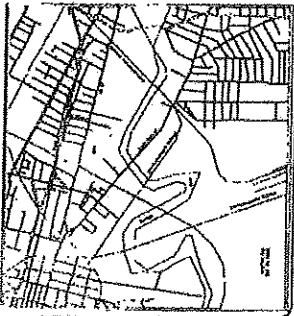
Thence easterly along the southerly line of Elk Street, S76°10'39"E a distance of 365.11 feet more or less to the point or place of beginning, Containing 6.027 acres more or less.

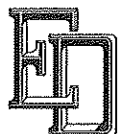


Boundary

Land Area Report

Notes





Ellicott
Development
Company

A Division of 10 Ellicott Square Court Corp.

Real Estate Development, Management & Leasing
Commercial • Residential

210 Ellicott Square
295 Main Street
Buffalo, N.Y. 14203-2219

716.854.0060
fax 716.852.2829
www.ellicottdevelopment.com

January 19, 2011

Common Council
City of Buffalo
City Hall
65 Niagara Street
Buffalo, NY 14202

Re: City of Buffalo – Board of Education

Gentlemen:

Submitted herewith is a copy of a statement that I submitted to the City of Buffalo, Board of Education last week. I also submit to you a Memorandum outlining other issues compiled from interested parties including Reform Ed to be addressed by the Board of Education in order to effectuate necessary change in a failed education system.

The failure of the Board of Education to address issues in a substantive and material way over the years has resulted in a system that is the worst in the State of New York, if not in America.

Year after year we have heard the Superintendent talk about improvements to the system that would result in a higher graduation rate and higher performance on standardized tests.

In fact, there has been no improvement in the graduation rate the result of which is a continuation of the other social ills facing the City including being the number one factor in the crime on our streets.

It is unlikely, given its history, that the Board of Education will formally, expeditiously and in a material way act on the issues at hand unless they are motivated by the community to act.

It is my observation that the Superintendent has filled the Board's ears with feel good presentations at Board meetings unnecessary and distracting from core issues. Weeks go by, months go by, years go by and we continue to take 6 year olds and put them into a system that we know is dysfunctional and which gives them a less than 50% chance of graduation and probably less than a 20% chance of having a fulfilling life.

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We presently have 13 schools in the totally dysfunctional category out of total of 63 schools in the system. There are 25 dysfunctional schools in all of New York including New York City and we have 13.

A couple of years ago, our performance on standardized tests improved, but it was finally recognized that the standardized testing was skewed in that year because every school district in the State also improved by a like percentage.

Otherwise, it is business as usual at the Board of Ed.

In addition to issues at the Board, there are State issues that must be addressed by our State Legislative delegation in order to give the Board the ability to effectuate some of the changes. These issues include decision of Sec. 3020(a) of the Education Law which strangles the ability to discipline a teacher adding extreme costs and time to the process.

The Triborough Amendment of the Taylor Law is a nightmare and must be rescinded. . It provides for a continuation of terms and puts the City system at an extreme disadvantage in contract negotiations.

You must remember that Phil Rumore has been the head of the teacher's union for over 25 years, a period in which the system has fallen into the abyss.

Very truly yours,



Carl P. Paladino

CPP/pg

REFERRED TO THE SPECIAL
COMMITTEE ON EDUCATION

1-10-11

Rev. 1-11-11

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Statement to the City of Buffalo – Board of Education

Over the last few years I was critical of the Board and Superintendent Williams for their continuing and remorseless neglect of our public school children.

I recognize that some of you are knowledgeable and put the best interests of our children first. My remarks are directed at the collective Board which should be shamed for its functional paralysis and inability to implement change necessary to deal with core problems, including the following:

- 1) More than 40% of our public school children are in special education for the most part as an answer to dysfunctional homes. The costly program doesn't work. The better answer is boarding schools starting at the formative age of 6 which would reinforce the self-esteem and confidence of children by dressing them in clean uniforms, feeding them 3 square meals a day and conditioning them to after-school study and sports programs to provide a base for them to enter mainstream education. 75% of special education programs would disappear overnight and the cost savings would assist in setting up and operating the boarding schools. A boarding school effort must start now.
- 2) The faceless State Board and its liberal progressive Board of Regents irresponsibly impose financial mandates on local districts without any cost/benefit rationale. The State now mandates that every child obtain a regents diploma without regard for the ability of the child and with little recognition of the value of trade schools and other alternatives to those unable to achieve a regent's diploma. In a time of financial crisis and shrinking education budgets, we must collectively call Albany for mandate relief to our school districts. As the Governor said New York is 1st in spending, and 34th in achievement. The people must be told that the limited education budget must be spent in a responsible and accountable way. Mandates from Albany must meet a cost/benefit test.
- 3) Our NYS legislative delegation has failed to pass legislation for an appointed School Board with members having minimum standards of education, experience and ability. If you really care and are selfless, tell them.

247

- 4) It is the Board's duty to properly educate the community about the advantage to the unions and the constraints on management in dealing with the "continuation of terms" provisions of the Triborough amendment. Enlightening the people will enable a concerted effort in the legislature to rescind the law.
- 5) For no discernable reason, the Board extended Superintendent Williams's contract for an additional 4 years. In its deliberations, the Board was not made aware by the Superintendent of a letter from Don Ogilve of BOCES condemning many aspects of the operations of the system and the way many of the schools in the district are run. The failure to disclose the letter to the Board was clearly fraud on the inception. The Superintendent should immediately be discharged for cause and the Board should commence a national search for a high-quality replacement who can provide not only the vision, but also who has the intestinal fortitude to carry out the structural reforms so necessary to the future of our children.

The time for rhetoric is over. If the Board does not within the next thirty days undertake and materially address each of the aforesaid challenges, i will seek to mobilize the community and the Common Council to deny City revenues (approximately \$70mil) to the Board budget until it has resigned in favor of a special master to be appointed by the State Board pending legislation by our State delegation to replace the elected board with an appointed Board with minimum standards.

If you cannot stand the heat, then you should get out of the kitchen.

Cc: Hon. Byron Brown

Buffalo Common Council

All press

Board of Regents

Everybody else

218

Carl Paladino

To: Carl Paladino

Subject: Additional School Board issues promoted by other interested parties including Reform Ed

1. Re-evaluate Buffalo School Board member qualifications. Set quality standards and conduct member evaluations every 6 months to ensure quality and expose/reject politics.
2. Appoint school board -- State Delegation
3. Eliminate Triborough amendment -- State Delegation
4. 3020a and Last In First Out reform: teachers have the most influential impact on student achievement, and ineffective teachers are severely harming our students, and thus our future economy. Reforming the hiring and firing practices of teachers will give the school district and principals the autonomy to ensure that only the most effective teachers are at the front of every classroom. -- State Delegation
5. Bring Teach for America to Buffalo in the fall of 2012
6. Yearly publication of Buffalo School District's Value Added scores: Parents and the entire community have a right to know the effectiveness of each teacher in the classroom. Publishing the value-added scores of each teacher in the district will help parents choose which school to send their child to, and will help the administration determine a teacher's effectiveness.
7. Hold all teacher colleges (SUNY, D'Youville, Canisius) publicly accountable to produce prepared and highly effective teachers for urban school districts, such as Buffalo.
8. Demand that successful charter management organizations are integral in turning around Buffalo's 13 "Persistently Low Achieving" schools
9. Increase transparency in the Buffalo Public Schools budget and publish the building-based budget for each of Buffalo's schools and central office
10. Establish a performance based evaluation system to identify Buffalo's most effective teachers, and create mentor programs based on those teachers best practices
11. Establish performance-based pay for highly successful teachers in high-risk subjects and schools.
12. Demand that student achievement is the number one priority in all administrative decisions. Hold all teachers, administrators and staff accountable to answer "how will this impact student achievement" in any decision.

1/19/2011

11. Establish performance based pay for highly successful teachers in high-risk subjects and schools.

00047



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III
DISTRICT ATTORNEY

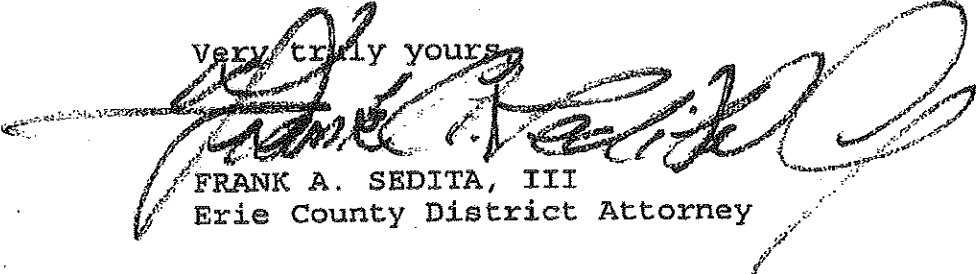
January 18, 2011

City of Buffalo
Common Council
Legislative StaffRe: Appointment of Representative
Hate Crimes Task Force

Dear Sirs:

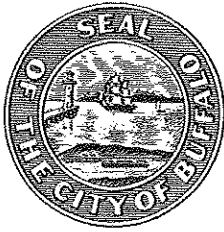
I, FRANK A. SEDITA, III, District Attorney of Erie County, State of New York, hereby designate PATRICK B. SHANAHAN, Assistant District Attorney, to serve as representative from this office on the Hate Crimes Task Force.

Very truly yours,


FRANK A. SEDITA, III
Erie County District Attorney

FAS/mar

RECEIVED AND FILED



00048

Common Council

City of Buffalo

250

DEMONE A. SMITH
MASTEN DISTRICT COUNCIL MEMBER
65 NIAGARA SQUARE, ROOM 1316A
BUFFALO, NY 14202-3318
PHONE: 851-5145 • FAX: 851-5443
E-mail: dsmith@city-buffalo.com
Website: <http://www.city-buffalo.com>

LEGISLATIVE ASSISTANTS

TIFFANY LEWIS
TODD McALISTER

CHAIRMAN

EDUCATION
MINORITY BUSINESS ENTERPRISE

COMMITTEES

COMMUNITY DEVELOPMENT

APPOINTMENT
JOINT POLICE
REORG COMMITTEES

January 20, 2011

David A. Franczyk
President of Common Council
1315 City Hall
Buffalo, NY 14202

Dear President Franczyk,

I hereby appoint Crystal Rodriguez, Executive Director of Commission on Citizens' Rights and Community Relations as one of the Masten District appointees to the Joint Police Reorganization Commission. As of current, three people of the Masten District have been requested to serve on the committee but have declined. We are waiting on the second appointment which we should have by the next Council meeting.

If you have any questions concerning this matter please do not hesitate to contact me at 851-5145. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Demone Smith".

Demone Smith
Masten District Council Member

ADOPTED

41

251

PETITIONS

January 25, 2011

00049

252

P. Tsoufliois, Owner, Use 708 Elmwood- Create Additional Seating
on 2nd Floor of Existing Restaurant (En) (Pub Hrg 2/1/11)
(Del)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

42

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI

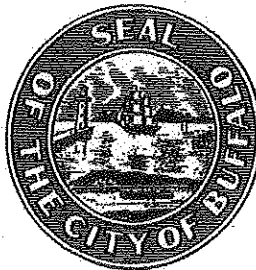
City Clerk
Registrar of Vital Statistics

PATRICK SOLE, JR.

Deputy City Clerk

DIANA RICO

Deputy City Clerk
Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place for the public hearing regarding:

708 Elmwood, Extension second floor - mixed use

to be held in the Council Chamber, 13th Floor, City Hall On:

February 1, 2011 AT 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner will receive, and that if I am not the owner or petitioner, I will inform said owner, petitioner or his/her agent of the above.

Signed Paul Boufalis (Agent or Owner)

Print Name PAUL BOUFALIS Phone # 716-818-8919

Date 1/12/11

ATTENTION:

**PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER, 851-5086
FOR PLANNING BOARD MEETING.**

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

1302-6

254

Report Date 01/12/2011 11:43 AM

Submitted By DAVID GRUNDY

Page 1

A/P # 163445

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	01/12/2011 11:41	GRUND	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0
Dept of Commerce	# Pages	0
Priority	Bill Group	
Square Footage	0.00	
<input checked="" type="checkbox"/> Auto Reviews	Name	

Valuation

Declared Valuation	0.00
Calculated Valuation	0.00
Actual Valuation	0.00

Description of Work

COMMON COUNCIL APPROVAL REQUIRED, SECTION 511-56 D(1), FOR EXTENSION OF A RESTRICTED USE INTO THE SECOND FLOOR OF A MIXED-USE BRICK, FRAME, AND CONCRETE BLOCK COMMERCIAL BUILDING. PUBLIC HEARING REQUIRED. CREATE ADDITIONAL SEATING FOR 34 AND TWO BATHROOMS ON THE SECOND FLOOR, FOR AN EXISTING FIRST FLOOR SIT-IN RESTAURANT AND EXISTING PATIO. A 2 / 2.5 STORY BUILDING. PLANS REQUIRED.

Parent A/P

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Property/Site Information

Address 708 ELMWOOD
BUFFALO NY 14222-

Location

Owner/Tenant

Contact ID AC1249896 Name TSOUFLIDES EFTHALIA
Mailing Address
City 708 ELMWOOD
ZIP/PC 14222-2081
Day Phone
Fax
Occupant N From To

Organization
State/Province BUFFALO NY
Country ☐ Foreign
Evening Phone
Mobile #
Owner Y From 02/22/2005 To 05/06/2007

Contact ID AC52527 Name TSOUFLIDES,EFTHALIA
Mailing Address 708 ELMWOOD
City BUFFALO
ZIP/PC 14222-2081
Day Phone
Fax
Occupant N From To

Organization
State/Province NY
Country USA ☐ Foreign
Evening Phone
Mobile #
Owner Y From 05/28/2000 To 05/06/2007

Contact ID AC346291 Name PAUL TSOUFLIDIS
Mailing Address 708 ELMWOOD
City BUFFALO
ZIP/PC 14222
Day Phone
Fax
Occupant N From To

Organization
State/Province NY
Country USA ☐ Foreign
Evening Phone
Mobile #
Owner Y From 01/15/2010 To

City of Buffalo

65 Niagara Square
 Buffalo, NY 14202
 (716)851-4949 Fax (716)851-5472

GC Building Application**Report Date** 01/12/2011 11:43 AM**Submitted By** DAVID GRUNDY

Page 2

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1002900003012000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y **Capacity Type**
Effective **Expire**
Contact ID SQUARE **Name** SQUARE FOOT BUILDERS
Phone (716)640-1449 x **Fax** (716)881-3484 **Address** 362 NORWOOD AVE
Comments BUFFALO, NY 14222-
 No Comments

License #	Type	Contact ID	Name
553627	HIM	AC329880	DAVID DUNKLIN

Item Description**Item Status**

Check Fees	Fees Failed
APPLICATION FEE (\$50.00)	Unpaid
GC PLAN REVIEW - ASSEMBLY (\$75.00)	Unpaid
GC PMT, INSP, C OF O FEE - ASSEMBLY (\$70.20)	Unpaid
GC PMT, INSP, C OF O - INITIAL FEE (\$200.00)	Unpaid
Check Inspections	Inspections Successful
Check Reviews	Reviews Failed
538149 BCODEREV BUILDING CODE REVIEW	Incomplete
538151 CC APP COMMON COUNCIL APPROVAL REQ'D	Incomplete
538154 ELECTRICAL PLAN REVIEW REQ'D	Incomplete
538150 ELMWOOD ELMWOOD VILLAGE DISTRICT	Incomplete
538152 FPLAN FIRE PREVENTION PLAN REVIEWREQ	Incomplete
538153 PPLAN -PLUMBING PLAN REVIEW REQUIRED	Incomplete
Check Conditions	Conditions Failed
MD MULTI-DWELLING PROPERTY	Unapproved
Check Alert Conditions	Alert Conditions Successful
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	0

Fees	Status	Paid Date	Amount
APPLICATION FEE	A		50.00
GC PLAN REVIEW - ASSEMBLY	U		75.00
GC PMT, INSP, C OF O FEE - ASSEMBLY	U		70.20
GC PMT, INSP, C OF O - INITIAL FEE	U		200.00
Total Unpaid		395.20	Total Paid 0.00

Report Date 01/12/2011 11:43 AM

Submitted By DAVID GRUNDY

Page 3

Inspections Insp # Preference	Insp Type Inspected By	#	Ord/Grp Comments	Assigned To	Call	Scheduled
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There are no Inspections for this Report

Review Activities Act # Comp By	Act Type Comments	Status	Waived	Issued	Started	Completed
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538149	BCODEREV	0	N	01/12/2011 11:41		
538151	CC APP	0	N	01/12/2011 11:41		
538154	ELECTRICAL	0	N	01/12/2011 11:41		
538150	ELMWOOD	0	N	01/12/2011 11:41		
538152	FPLAN	0	N	01/12/2011 11:41		
538153	PPLAN	0	N	01/12/2011 11:41		

Activity Review Details

Detail 1. PRIOR REQUIRED APPROVALS

Modified By GRUND

Modified Date/Time 01/12/2011 11:38

Comments

No Comments

PRIOR APPROVALS

Bflo Arts Commission

- ☐ Arts Comm. Approval
- ☐ Special events

City Engineering

- ☐ Curb Cuts
- ☐ Encroachment
- ☐ Oversize Trucking
- ☐ Plumbers' Cuts
- ☐ Street Cuts

City Planning

- ☐ Citywide Site Plan
- ☐ Subdivisions
- ☐ Urban Renewal

City Survey

- ☐ Address Permit
- ☐ Development
- ☐ Flood Plain

City Survey (con't)

- ☐ Subdivisions

Common Council

- ☐ Admin Office/Apts R4
- ☐ Beauty Parlor R2
- ☐ Canopy/Marquee ROW
- ☐ Freestanding Sign
- ☐ Human Service Facility
- ☐ Portable Sign in ROW
- ☒ Restricted Use Permit
- ☐ Other

Environmental Review

- ☐ S.E.Q.R.A.
- ☐ N.E.P.A.

Law Office

- ☐ Insurances Check
- ☐ Title Held

Permit Office

- ☐ Asbestos Survey
- ☐ Bond/Certified check
- ☐ First Insurances Check
- ☐ Notarized Permission/
Lease showing Use
- ☐ Rodent/Vermine Bait
- ☐ Sewer/Water Cut
- ☐ Simple Demolition
- ☐ Simple Plan Approval
- ☐ Zoning/Use Check

Preservation Board

- ☐ Preservation District
- ☐ Contiguous Check

Water Department

- ☐ New Water Supply
- ☐ Water Retention

- ☐ Asbestos Abatement
- ☐ Assessment Combination
- ☐ Public Works approval
for portable sign one year
encroachment
- ☐ Sewer Retention
- ☐ Telecommunication
- ☐ Tree over 4" at 4'
- ☐ Thruway Sign approval
- ☐ Zoning Variance

Detail 2. PLAN REVIEWS

Modified By GRUND

Modified Date/Time 01/12/2011 11:38

Comments

No Comments

Report Date 01/12/2011 11:43 AM

Submitted By DAVID GRUNDY

Page 4

PLAN REVIEWS

Plans Review Required

- ☐ Simple Plan Review by Permit Office
- ☐ One- and Two-Family Plan Review
- ☐ Multiple Dwellings Plan Review
- ☒ Building Code Review
- ☐ Citywide Site Plan Submission Check
- ☐ Sewer Code Review
- ☒ Plumbing Code Review
- ☒ Electrical Code Review
- ☐ HVAC (Mechanical) Code Review
- ☐ Elevator Code Review
- ☒ Fire Code Review

Revisions Required

- ☐ Revisions Required for Simple Plans
- ☐ Revisions Req'd for 1- and 2-Family
- ☐ Revisions Req'd for Mult. Dwellings
- ☐ Revisions Req'd. for Bldg Code Rev.
- ☐ Revisions Req'd. for Citywide Site
- ☐ Revisions Required for Sewer Plans
- ☐ Revisions Required for Plumbing
- ☐ Revisions Required for Electrical
- ☐ Revisions Required for HVAC/Mech.
- ☐ Revisions Required for Elevators
- ☐ Revisions Required for Fire Bureau

Check Conditions Condition Supervisor Required	Approval	Approved By Comments	Approved Date	Applied By	Applied Date	Assigned
MD N				GRUND	01/12/2011 11:41	

Planning Condition	Description	Effective	Expire	Comments
There is no planning condition for this project.				

A/P #	A/P Type	Status	Stage	Relation
No Records for This Search Criteria				

General Construction				
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0 No. of Residential Units Lost ☐ Residential ☐ Work Without Permit (FINE) Debris:

0 No. of Residential Units Added ☒ Commercial ☐ Work Done by Owner ☐ Truss Construction

☐ Zoning Board of Appeals

ELEVATORS
You must fill out the custom form on activity detail if there is ELEVATOR work to be completed.

Building Construction: BRICK, FRAME, CONCR. BLOCK

USE SQ FT USE	Sq. Ft.	Demo	GC
A	1170.00		Y

Model Home Details Type	Model #/Option	Comments
There are no items in this list		

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

GC Building Application

256

Report Date 01/12/2011 11:43 AM

Submitted By DAVID GRUNDY

Page 5

Employee Employee ID	Last	First	MI	Comments
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No Employee Entries

Log Action Comments	Description	Entered By	Start	Stop	Hours
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No Log Entries

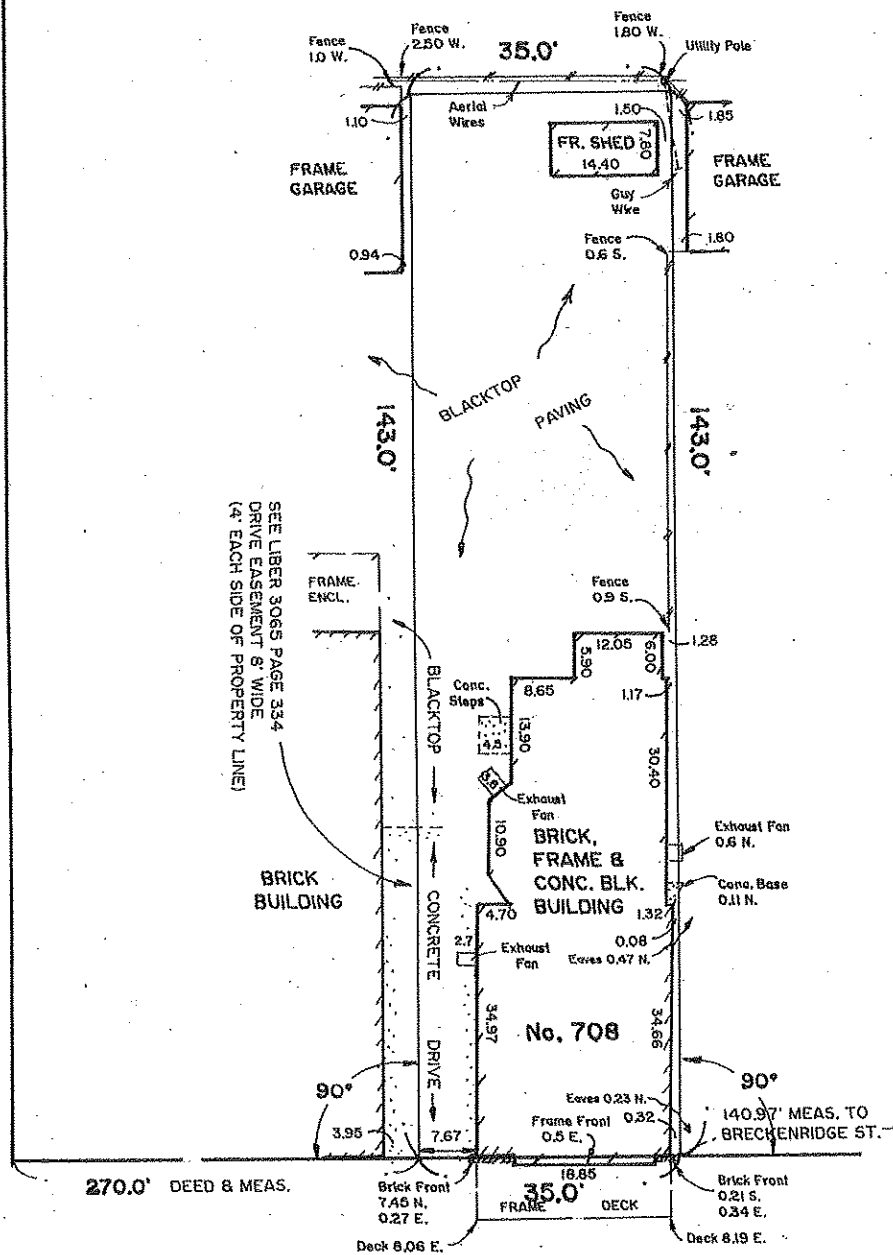
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT FULL ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

257

FERRY

(100' WIDE)

STREET



ELMWOOD (80' WIDE) AVENUE

PART OF LOT 61
TOWNSHIP 11, RANGE 8
CITY OF BUFFALO
ERIE COUNTY, NEW YORK

Ray L. Sonnenberger

Land Surveyor

N.Y.S. Lic. No. 036193

60 Niagara Street

Buffalo, New York 14202

Phone: 716-854-0159 Fax: 716-854-1462

SCALE 1" = 20'

SHEET 19636

DATE JAN. 5, 2011

NO. 11-01

Ray L. Sonnenberger

00050

258

E. Wantuck, Owner, Use 2042 South Park-Alter Existing Storefront For a Tattoo And Body
Piercing Parlor(South)(Pub Hrg 2/1/11)

REFERRED TO THE COMMITTEE ON LEGISLATION AND THE CITY
PLANNING BOARD

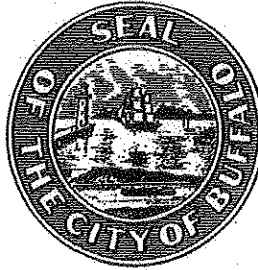
43

OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI
City Clerk
Registrar of Vital Statistics

PATRICK SOLE, JR.
Deputy City Clerk

DIANA RICO
Deputy City Clerk
Vital Statistics



65 NIAGARA SQUARE
ROOM 1308 CITY HALL
BUFFALO, NEW YORK 14202
PHONE: (716) 851-5431
FAX: (716) 851-4845

This is to acknowledge that I have been informed as to the time and place
for the public hearing regarding:

2042 South Park Alter on existing Store front

to be held in the Council Chamber, 13th Floor, City Hall On:

February 1, 2011 AT 2:00 PM

I am also informed that this is the only notice that the petitioner and or owner will receive,
and that if I am not the owner or petitioner, I will inform said owner, petitioner or
his/her agent of the above.

Signed [Signature] (Agent or Owner)

Print Name Eric Wastack Phone # 823-8282

Date 1/12/11

ATTENTION:

PLEASE ALSO CONTACT BILL GRILLO PRINCIPAL PLANNER, 851-5086
FOR PLANNING BOARD MEETING.

City of Buffalo
65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Building Application

260

Report Date 01/12/2011 02:49 PM

Submitted By DAVID KRUG

Page 1

A/P # 163463

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	01/12/2011 14:48	KRUGD	Temp COO		
Issued			COO		
Final			Expires		

Associated Information

Type of Work	# Plans	0	Declared Valuation	0.00
Dept of Commerce	# Pages	0	Calculated Valuation	0.00
Priority	Bill Group		Actual Valuation	0.00
Square Footage	0.00			
	<input checked="" type="checkbox"/> Auto Reviews			
	Name			

Description of Work

COMMON COUNCIL APPROVAL REQ. (RESTRICTED USE IN THE SOUTH PARK SPECIAL DIST.) PUBLIC HEARING REQ. FEE REQ. ALTER AN EXISTING STOREFRONT FOR A TATTOO AND BODY PIERCING PARLOR. NO PLANS REQ.

Parent A/P

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Property/Site Information

Address 2042 SOUTH PARK
BUFFALO NY 14220-

Location

Owner/Tenant

Contact ID AC1235154	Name	RONALD & JEANNE HEINRICH	Organization						
Mailing Address	5145 RICHMOND AVE		State/Province	NY					
City	BLASDELL		Country	USA				<input type="checkbox"/> Foreign	
ZIP/PC	14219		Evening Phone						
Day Phone			Mobile #						
Fax			Owner	Y	From	02/22/2005	To	05/06/2007	
Occupant	N	From	To						
Contact ID AC37699	Name	RONALD & JEANNE HEINRICH	Organization						
Mailing Address	6345 MILESTRIP RD		State/Province	NY					
City	ORCHARD PARK		Country	USA				<input type="checkbox"/> Foreign	
ZIP/PC	14127		Evening Phone						
Day Phone			Mobile #						
Fax			Owner	Y	From	05/28/2000	To	05/06/2007	
Occupant	N	From	To						
Contact ID AC353628	Name	HUYNH THUTHUY THI	Organization						
Mailing Address	2042 SOUTH PARK		State/Province	NY					
City	BUFFALO		Country	USA				<input type="checkbox"/> Foreign	
ZIP/PC	14220		Evening Phone						
Day Phone			Mobile #						
Fax			Owner	Y	From	01/18/2008	To		
Occupant	N	From	To						

City of Buffalo

65 Niagara Square
Buffalo, NY 14202
(716)851-4949 Fax (716)851-5472

USE Building Application

Report Date 01/12/2011 02:49 PM

Submitted By DAVID KRUG

Page 2

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

1335500002044000

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

Primary Y Capacity Type
Effective Expire
Contact ID OWNER Name OWNER/TENANT
Phone Fax Address (SEE UNDER APPLICANT)
Comments

RENEE AND ERIC WANTUCK 823-8282

License #	Type	Contact ID	Name
000000	SBU	AC12792	OWNER OF PROPERTY
222222	SPC	AC123700	OWNER
FLL1234	DM1	AC12792	OWNER OF PROPERTY
000000	HIM	AC12792	OWNER OF PROPERTY

Item Description

Item Status

Check Fees Fees Failed
APPLICATION FEE (\$25.00) Unpaid
PERMIT FEE (\$25.00) Unpaid
Check Inspections Inspections Successful
Check Reviews Reviews Failed
538208 CC APP COMMON COUNCIL APPROVAL REQ'D Incomplete
Check Conditions Conditions Successful
MD MULTI-DWELLING PROPERTY Approved, OK
Check Alert Conditions Alert Conditions Successful
Check Licenses Not Checked
Check Children Status Children Successful
Check Open Cases 4
Case # 127557
Case # 36441
Case # 181666
Case # 141642

Fees	Status	Paid Date	Amount
PERMIT FEE	U		25.00
APPLICATION FEE	U		25.00
Total Unpaid		50.00	Total Paid 0.00

216

Report Date 01/12/2011 02:49 PM

Submitted By DAVID KRUG

Page 3

Review Activities Act # Comp By	Act Type Comments	Status	Waived	Issued	Started	Completed
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538208	CC APP	0	N			
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Activity Review Details

No Activity Review Details

Check Conditions Condition Supervisor Required	Approval	Approved By Comments	Approved Date	Applied By	Applied Date	Assigned
--	----------	-------------------------	---------------	------------	--------------	----------

MD N	OK	KRUGD	01/12/2011 14:48	KRUGD	01/12/2011 14:48	KRUGD
---------	----	-------	------------------	-------	------------------	-------

CHANGE OF USE

- ☒ Work done by owner
☐ Residential
☒ Commercial
☐ Multiple Dwelling
- ☐ Zoning Board
☐ Work with out Permit (FINE)

FLAT FEES

Existing Use MD / STORES

New Use MD / STORES /TATTOO PARLOR

Dwelling Units Lost 0 ☐ Electrical

Dwelling Units Added 0 ☐ Plumbing

Debris ☐ Heating

Employee Employee ID	Last	First	MI	Comments
-------------------------	------	-------	----	----------

No Employee Entries

Log Action Comments	Description	Entered By	Start	Stop	Hours
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No Log Entries

Regular Committees

CIVIL SERVICE
(Bonnie E. Russell, Chairperson)

00051

265

Appt Dog Control Officer(Perm)(3rd Step)(Murray)(PW)
Ccp# 8, 01/11

Mrs Russell moved

That Communication of 8 of January 11, 2011, be received and Filed
and that the Permanent appointment of Heather Murray, 101 Hubbell
Avenue, Buffalo, NY 14220 at the 3rd step of \$24, 074.00 is hereby
approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Ronnie E Russell

266

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

00052

Appt Program Coordinator(Perm)(Inter)(Milovich)(PW)
Ccp# 9, 01/11

267

Mrs Russell moved

That Communication of 9 of January 11, 2011, be received and Filed
and that the Permanent appointment of Michael Milovich, 102 Farmer
St., Buffalo, NY 14207 at the Intermediate salary of \$39,040.00 is
hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E Russell

2

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

00053

269

Appt Senior Rate Clerk (4th step)(Cunningham)(PW)
Ccp# 10, 01/11

Mrs Russell moved

That Communication of 10 of January 11, 2011, be received and Filed
and that the Permanent appointment of Raylena Cunningham, 442
Highgate Avenue, Buffalo, NY 14215 at the fourth step of \$36,251.00
is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E. Russell

3

210

* AYE * NO *

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FONTANA	*	*	*	
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FRANCZYK	*	*	*	
				*
GOLOMBEK	*	*	*	
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KEARNS	*	*	*	
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LOCURTO	*	*	*	
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PRIDGEN	*	*	*	
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RIVERA	*	*	*	
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RUSSELL	*	*	*	
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SMITH	*	*	*	
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Maj - 5
2/3 - 6
3/4 - 7

9 0

00054

Appt Parking Meter Mechanic(Perm)(Max)(Tronolone III)(pkg)
Ccp# 20, 01/11

271

Mrs Russell moved

That Communication of 20 of January 11, 2011, be received and Filed
and that the Permanent appointment of Francis Tronolone III, 159
Sterling Avenue, Buffalo, NY 14216 at the Maximum Salary of
\$36,119.00 is hereby approved.

PASSED

AYES - 9 NOES - 0

Recommended by the Committee on Civil Service

Bonnie E. Russell

4

272

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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	*	9	0	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

00055

Notices of Appointments-Temp/Prov/Perm(Cty Clk)
Ccp# 26, 01/11

273

Mrs. Russell moved

That the above item be the same and hereby is Received and Filed.

ADOPT

Bonnie E Russell

Recommended by the Committee on Civil Service

5

A. Thompson-Reg Traffic Camera at Intersection of Fillmore & Sycamore
(#25, 11/25)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

R. Fontana – Request Cameras on Brinkman Ave (Lov)
(#38, 3/17)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

Shared Asset Forfeiture Fund as of 12/31/08 (Compt)
(#11, 2/17)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight Richard Fontana

S. Radford-Issues of Police Brutality (#63, 6/24)
(#84, 9/30)

That the above item be the same and hereby is Received and Filed.

ADOPTED

Recommended by the Special Committee on Police Oversight

Richard Fontana

313

RESOLUTIONS

January 25, 2011

RESOLUTION

By: Richard A. Fontana, David A. Franczyk, David A. Rivera, Michael J. LoCurto, Michael P. Kearns, Darius G. Pridgen, Demone A. Smith, Bonnie E. Russell, Joseph Golombek, Jr.

RE: Common Council Mentorship Program

WHEREAS, The City of Buffalo Common Council would like to collaborate with City of Buffalo high schools to establish a mentorship program. With the current state of the Buffalo Public School system, it has become imperative that students have positive role models both in and outside of school; and

WHEREAS, A mentorship program would give Council Member's the opportunity to provide support, guidance, and positive reinforcement to students who are in need of positive role models. Each Council Member would adopt a high school and offer their time at that high school mentoring three or four students; and

WHEREAS, The program will offer the students an opportunity to learn about legislation, intergovernmental cooperation and a variety of governmental functions provided by the Common Council. This can be a tremendous opportunity for students interested in a career in government and looking to gain a better understanding about government related issues and politics; and

WHEREAS, The mentorship program may be used as a tool to help students who may be going through a difficult or challenging time in their personal or academic life, and need extra support, or may simply need to have another significant adult present in their life. The Council Member mentorship program can help students involved in the program gain self confidence and provides a unique opportunity to gain valuable experience and build leadership; and

WHEREAS, This program can offer a rewarding and fulfilling experience for both the Council Member and the students, as it cultivates today's young leaders and offers an opportunity for highly motivated students to excel as future leaders.

NOW, THEREFORE BE IT RESOLVED,

That the Common Council does hereby support the establishment of a mentorship program in collaboration with City of Buffalo high schools; and

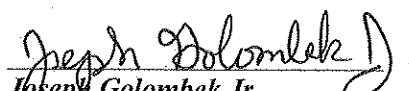
NOW, THEREFORE BE IT FURTHER RESOLVED

That copies of this resolution be sent to all City of Buffalo high schools and Buffalo Public Schools Superintendent Dr. James A. Williams.


ADOPT


Richard A. Fontana
Lovejoy District Council Member

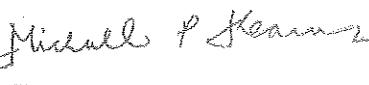

Demone A. Smith
Masten District Council Member



Joseph Golombek Jr.
North District Council Member

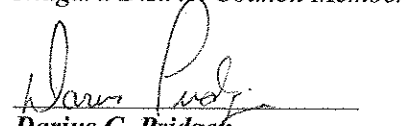
ADOPTED


David A. Franczyk
Fillmore District Council Member


Michael J. LoCurto
Delaware District Council Member


Michael P. Kearns
South District Council Member


David A. Rivera
Niagara District Council Member


Darius G. Pridgen
Ellicott District Council Member


Bonnie E. Russell
University District Council Member

431A
RJ

RESOLUTION

Sponsor: Mr. Franczyk

Re: Appointment to the Shared Asset Forfeiture Fund Advisory Committee (SAFFAC)

Whereas: The Shared Asset Forfeiture Fund (SAFF) was added to the City Charter in 2006, Section 16-24, in the Department of Police, to provide funding to private, not-for-profit and community-based organizations classified as and meeting the requirements of 26 U.S.C. 501C (3) or (4), for conducting programs associated with law enforcement, crime, drug and alcohol abuse prevention, that contribute to the safety, betterment, and physical well-being of youth within the City of Buffalo; and

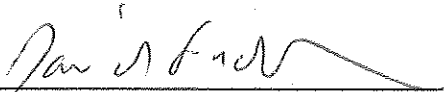
Whereas: Section 16-25 of the City Charter states that the Shared Asset Forfeiture Fund Advisory Committee (SAFFAC) shall consist of five members, each having voting power. The Commissioner of Police shall be a member, along with the Mayor and Common Council each appointing two members; and

Whereas: In compliance with Section 16-25 of the City Charter, the Common Council advances the following individual for appointment to the SAFFAC as a voting member:

- **Lauris Robinson**, who currently resides at **241 Humboldt Parkway** in the City of Buffalo, NY.

Now, Therefore, Be It Finally Resolved:

That this Common Council hereby appoints **Lauris Robinson**, who currently resides at **241 Humboldt Parkway** in the City of Buffalo, NY, to serve as a voting member of the Shared Asset Forfeiture Fund Advisory Committee for a two-year term expiring on December 31, 2012.



David A. Franczyk
Common Council President
Fillmore District Council Member

PASSED

43A
RF

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

By: Mr. Golombek

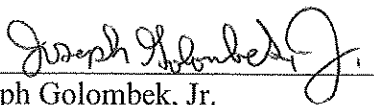
Re: Discharge Legislation Committee
Item #32 C.C.P. November 3, 2010
"Restaurant Dance Class III-289 Austin St(North) (EDPI)"

Whereas: The above item is currently in the Legislation Committee; and

Whereas: It is no longer necessary for this item to be considered by that committee;

Now, Therefore Be it Resolved:

That this Common Council does hereby discharge the Legislation Committee from further consideration of Item #32 C.C.P. November 3, 2010 "Restaurant Dance Class III-289 Austin St(North) (EDPI)" and said item is now before the Common Council for its consideration.



Joseph Golombek, Jr.

ADOPT DISCHARGE, APPROVE

43B

RF

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

00086

319

By: Mr. Golombek

Re: Discharge Legislation Committee
Item #64 C.C.P. January 11, 2011
"Food Store License (New)-2319 Main (Mas) (EDPI)
(#28, 12/14) (#55, 12/28)"

Whereas: The above item is currently in the Legislation Committee; and

Whereas: It is no longer necessary for this item to be considered by that committee;

Now, Therefore Be it Resolved:

That this Common Council does hereby discharge the Legislation Committee from further consideration of Item #64 C.C.P. January 11, 2011 "Food Store License (New)-2319 Main (Mas) (EDPI) (#28, 12/14) (#55, 12/28)" and said item is now before the Common Council for its consideration.

ADOPT DISCHARGE **PASSED**



Joseph Golombek, Jr.

APP

43BB
FF

2319 Main Street Food Store

320

Approved with the following conditions:

1. Store to close on or before 11:00 pm weeknights
2. Store to close on or before 12 midnight on Friday and Saturday
3. No "blunt" displays
4. No cigarette rolling paper displays
5. No "one-hit" tobacco pop sales or displays
6. No glass tube sales or displays
7. No obstruction of windows
8. No Loitering signs posted on store
9. No alcohol or tobacco ads on outside of store
10. Cooler and mechanical equipment to be in working order
11. Any hand-painted or hand-drawn signs must be approved by Department of Inspections
12. Must keep a clean store
13. No loitering or hanging on premises
14. Will not harbor, contribute, encourage or participate in any illegal crime

* AYE * NO *

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FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

By: Mr. Golombek

Re: Ordinance Amendment

Chapter 288, Natural Gas Extraction Prohibition

The Common Council of the City of Buffalo does hereby ordain as follows:

That Chapter 288 of the Code of the City of Buffalo be added to read as follows:

Chapter 288, NATURAL GAS EXTRACTION PROHIBITION

Whereas, this ordinance prohibits the exploration for and extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes within the City of Buffalo, in order to preserve and protect the public health, safety and welfare of the residents and neighborhoods of Buffalo; and

Whereas, after review of scientific research from both opponents of natural gas extraction and natural gas extraction industry advocates, the Common Council now seeks to prevent the citizens of Buffalo from the dangers associated with natural gas extraction; and

Whereas, this Ordinance shall be known and may be cited as "Buffalo's Community Protection from Natural Gas Extraction Ordinance";

Now Therefore, Be it enacted by the Common Council of the City of Buffalo as follows:

§288-1 Findings and Intent

The Common Council of the City of Buffalo finds, declares and determines that:

(a.) the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes in the urban environment of Buffalo poses a significant threat to its residents' health, safety, and welfare;

(b.) widespread environmental and human health impacts have resulted from natural gas exploration and extraction in other areas;

(c.) if natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the City, this activity would endanger the health, safety and welfare of City residents through the deposit of toxins into the air, soil, water, environment, and the bodies of residents within the City;

(d.) the protection of residents, neighborhoods, and the natural environment constitutes the highest and best use of the police and land use powers that the City possesses;

323

(e.) clean air and water are essential to most resources and activities in the Buffalo area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer treatment or disposal of natural gas exploration and production wastes;

(f.) natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the City's water supply, pollution of the water, soil and air, and may cause cancer, lung disease, and respiratory diseases;

(g.) air, soil, and water contamination may occur during the different stages of natural gas exploration and extraction operations and the storage, transfer, treatment or disposal of natural gas exploration and production wastes, and such contamination could have adverse human health impacts;

(h.) spills of liquid and solid wastes that originate from the exploration, drilling and extraction of natural gas (whether onsite or during the transportation of these products to treatment and/or disposal facilities) is not uncommon, and such products may come into contact with and contaminate and pollute groundwater and/or soil;

(i.) a large percentage of the chemicals used in natural gas exploration and extraction and many of the constituents of natural gas exploration and production wastes are likely causes of adverse human health impacts;

(j.) natural gas exploration and production waste products are hazardous wastes within the meaning of Section 235-1 of the Buffalo City Code;

(k.) the City of Buffalo has the authority to prohibit the exploration and extraction of natural gas and the storage, treatment or disposal of natural gas exploration and production wastes within its borders;

(l.) this Ordinance addresses land use and nuisance issues and is intended to only incidentally impact the state law set forth in New York State Environmental Conservation Law Article 23;

(m.) this Ordinance endorses the Buffalo Comprehensive Plan. The Comprehensive Plan notes that "The Great Lakes contain 20 percent of the world's fresh water supply. This is a resource of immense and increasing global value. The Comprehensive Plan also notes a need to reduce the total area zoned for heavy industrial use and the need to promote sustainable "green" development. The City of Buffalo chooses not to permit additional sites for extraction of fossil fuels within its city limits, but rather seeks to preserve areas that might otherwise be dedicated to fossil fuel extraction for other more sustainable alternatives.

(n.) The Common Council believes that the protection of residents, neighborhoods, and the natural environment is an appropriate use of its police powers. The Common Council thus hereby adopts this ordinance, which bans the extraction of natural gas within the City of Buffalo because that extraction cannot be achieved without endangering the health, safety, and welfare of the residents of the City of Buffalo.

§288-2 Legislative Objectives and Authority

A. This Ordinance is enacted to protect and promote the health, safety and general welfare of present and future residents of the City. This Ordinance is an exercise of the City's police power, its power to prohibit public nuisance and a land use regulation designed to protect the health, safety and welfare of the current and future residents of the City from adverse effects and impacts that would result if natural gas exploration and extraction and/or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were allowed within the City.

B. This Ordinance is promulgated pursuant to the Authority set forth in Article 9, §1 of the New York State Constitution and §10 of the New York State Municipal Home Rule Law.

C. This ordinance supports the policies of the State of New York (1) "to conserve, improve and protect its natural resources and environment and to prevent, abate, and control water, land and air pollution in order to enhance the health, safety and welfare of the people of the State and their overall economic and social well-being (ECL1-0101); and (2) "to reduce or eliminate the use of hazardous substances and the generate of such substances, pollution or waste at the source in order to conserve, improve and protect New York's environment and natural resources; enhance the health, safety and welfare of its citizens..."

D. This Ordinance is an exercise of the City of Buffalo's prohibition on any activity "involving the treatment, storage or disposal of hazardous wastes which cause substantial harm or a risk of substantial harm to the public health and safety or to the environment ..." (Buffalo City Code §235-2).

E. This Ordinance is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. This Ordinance addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the City of Buffalo and the enhancement of its physical environment.

§288-3 Definitions

A. "Corporations," for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability status or protections for its owners, directors, officers, and/or managers.

B. "Exploration" shall mean geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas deposits.

C. "Extraction" shall mean the digging or drilling of a well for the purposes of exploring for, developing or producing natural gas or other hydrocarbons.

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D. "Natural Gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

E. "Natural Gas Exploration and Production Wastes" shall mean any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from the exploration, drilling or extraction of natural gas.

F. "Pollution" shall mean the contamination or other degradation of the physical, chemical or biological properties of land, water or air that will or is likely to, create a nuisance or render such land, water or air harmful, detrimental or injurious to the public health, safety or welfare, or harmful, detrimental or injurious to domestic, commercial, industrial, agricultural, recreational or other beneficial uses, or to wildlife, birds, fish, or other aquatic life.

§288-4 Prohibition Against the Exploration for or Extraction of Natural Gas

No person, firm or corporation shall: conduct any exploration for natural gas; drill any well for natural gas; transfer, store, treat, or dispose of natural gas exploration or production wastes; or erect any derrick, building, or other structure or place any machinery or equipment for such purpose within the territorial boundaries of the City of Buffalo.

§288-5 Prohibition Against the Storage, Treatment and Disposal of Natural Gas Extraction Wastes

The storage, transfer, treatment and/or disposal of natural gas exploration and production wastes are hazardous wastes within the meaning of this Code. No person, firm or corporation shall engage in the storage, transfer, treatment and/or disposal of natural gas exploration and production wastes within territorial boundaries of the City of Buffalo. No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this Ordinance shall be deemed valid within the City of Buffalo.

§288-6 Enforcement

A. Any person, corporation, or other entity that violates any prohibition of this Ordinance shall be guilty of a summary offense and, upon conviction thereof, shall be subject to the maximum fine allowable under this Charter and Code for said violation. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this Ordinance found to be violated.

B. The City of Buffalo may also enforce this Ordinance through an action in equity brought in New York State Supreme Court. In such an action, the City of Buffalo shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

C. Any City resident shall have the authority to enforce the provisions of this Chapter through an action brought in New York State Supreme Court. In such an action, a resident who enjoins a violator of this Chapter from a continuing violation of this Chapter shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees from the violator.

326

§288-7 Effective Date and DEC Permit Holders

This Ordinance shall be effective five (5) days after the date of its enactment, at which point the Ordinance shall apply to any and all extractions of natural gas in the City of Buffalo regardless of the date of any applicable DEC permits.

§288-8 Severability

The provisions of this Ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this Ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the Ordinance.

§288-9 Repealer

This Ordinance shall repeal any prior inconsistent ordinances contained in the Buffalo City Code purporting to regulate or allow natural gas extraction or the transport, storage, treatment or disposal of natural gas exploration or extraction waste.

APPROVED AS TO FORM

Taty A. Ball

Asst. Corporation Counsel

NOTE: Matter underlined is new,
matter in brackets is to be deleted.

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

RESOLUTION

By: Mr. Kearns & Mr. Fontana

RE: City Wide Emergency Notifications through Email and Texting

WHEREAS, The ability of the City of Buffalo to communicate with its residents, businesses and taxpayers has expanded exponentially with the advent of wireless and internet technologies; and

WHEREAS, The reach and target audience of traditional media channels are in decline, and smaller City of Buffalo staffing levels have challenged the City's ability to release information accurately and in a timely manner; and

WHEREAS, The technology currently exists for the City to communicate on a one-to-one basis with individuals through permission-based email and text messages; and

WHEREAS, At this time, the City of Buffalo is already utilizing similar technology to communicate with individuals with the Police Department's "Text-A-Tip" program and the 311 Phone and Online Systems. This same technology can be utilized for permission-based two-way communication; and

WHEREAS, In the case of an emergencies or significant events, targeted email and text messaging could be used to contact affected individuals using zip code information that could be captured when individuals register to receive email and/or text alerts; and

WHEREAS, Cities such as Minneapolis Minnesota are already utilizing email data bases and Facebook to communicate information such as "Emergency Snow Alert Messages."

NOW, THEREFORE BE IT RESOLVED,

That the City of Buffalo, NY Common Council respectfully requests that the Department of Public Works, and the Department of Management Information Systems explore the feasibility of implementing and utilizing a system for communicating via email, text message, Facebook, Twitter, and related social networking and permission-based technologies to communicate important information to residents, businesses and taxpayers, particularly in emergency situations.



Michael P. Kearns
South District Council Member



Richard A. Fontana
Common Council Majority Leader
Lovejoy District Council Member

**REFERRED TO THE COMMITTEE
ON LEGISLATION.**

LEF

43C
RF

By: Mr. Kearns

328

Transfer of Funds

Common Council – Legislative

That pursuant to §20-12 of the Charter and the Certificate of the Mayor and the Comptroller submitted to the Common Council, the sum of **\$3,500** be and the same is hereby transferred from the City Clerk and said sum is hereby reappropriated as set forth below:

From:

City Clerk
10220006 – 434000 Other Contractual Services **\$3,500**

To:

Common Council Legislative
10102001 – 412002 Hourly Salary **\$3,500**

PASSED

44

329

* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
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Maj - 5
2/3 - 6
3/4 - 7

Sponsor: Michael J. LoCurto

RESOLUTION

Re: Buffalo Olmsted Parks Conservancy Grant Application to New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program

WHEREAS: The Buffalo Olmsted Parks Conservancy is applying to the New York State Department of Environmental Conservation for a project grant under the Urban and Community Forestry Program project to be located throughout the Buffalo Olmsted Park System, a site located within the territorial jurisdiction of this Board of Trustees and,

WHEREAS: As a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, BE IT RESOLVED: By this august body that the Council of the City of Buffalo hereby does approve and endorse the application of Buffalo Olmsted Parks Conservancy for a grant under the Round 10 Urban and Community Forest Program for a project known as "*Buffalo Olmsted Park Conservancy's Tree Inventory and Management Plan: System Wide Inventory Updates and Tree Maintenance*"

If the project is taking place on municipally-owned land, the following must be added:

BE IT FURTHER RESOLVED THAT: Should Buffalo Olmsted Parks Conservancy be unable to do so, said property shall be maintained by City of Buffalo consistent with the rules promulgated by OPRHP.



MICHAEL J. LoCURTO
Delaware District Councilmember

ADOPTED

ADOPT

44A

107

RESOLUTION

Sponsor: Darius G. Pridgen
Subject: A review of City Hall security

Whereas: A recent incident at a "Congress on your Corner" gathering in Arizona tragically took the lives of six individuals, and wounded 18 others, including U.S. Representative Gabrielle Giffords; and

Whereas: In Panama City, Florida, a gunman entered a school board meeting, opened fire, and put the people present at the meeting in danger. He was subsequently apprehended by trained security personnel on duty; and

Whereas: As a result of these and other documented life threatening events, many government agencies across the United States have or are in the process of examining their security measures and emergency plans; and

Whereas: The vulnerability of the general public, employees and elected government officials during regular business hours and government meetings gives reason to make an in-depth evaluation of our security system and the proper measures that should be taken to ensure the safety of those who conduct business, work and visit City hall; and

Whereas: The City of Buffalo Common Council has an obligation to ensure the safety of its employees, visitors, other City Officials and strive to create a safe environment; and

Whereas: A comprehensive assessment of building security and protocol bringing together City Hall officials and the Buffalo Police, Fire and Public Works Departments, to evaluate the current security protocols, plans, and systems currently established, culminating in a detailed account of its findings is necessary to ensure public safety; and

Whereas: Tragic events such as these warrant the need for a complete evaluation of the security protocol and emergency plans utilized in Buffalo City Hall.

Now Therefore Be It Resolved:

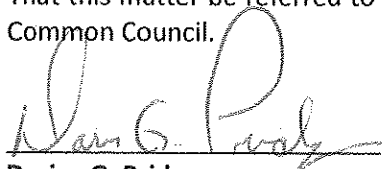
That the Common Council request that Police, Fire and the Department of Public Works immediately meet to review the security, emergency and contingency plans for City Hall; and

Be It Further Resolved:

That the cited Commissioners report back to the Common Council of the outcome of their review; and

Be It Finally Resolved:

That this matter be referred to the Common Council Finance Committee for further deliberation by the Common Council.


Darius G. Pridgen
Ellicott District Council Member

REFERRED TO THE COMMITTEE
ON FINANCE.

44B

TCF

BY: Ms. RUSSELL

BUDGET AND PERSONNEL AMENDMENT
15 – ADMINISTRATION & FINANCE
1045 – COLLECTIONS

The Common Council of the City Of Buffalo does ordain as follows:

That part of Section 1 of Chapter 35 of the Code of the City of Buffalo, relating to 15 – Administration & Finance, 1045-Collections which currently reads:


2 Junior Collection Officer	\$ 31,084 - \$ 34,255
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Is hereby amended to read:

1 Junior Collection Officer	\$ 31,084 - \$ 34,255
1 Laborer II	\$ 22,070 - \$ 34,139

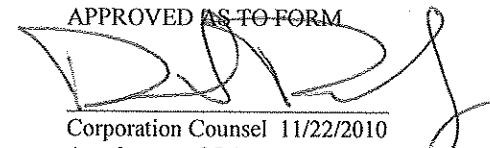
IT IS HEREBY CERTIFIED, that a personnel requisition incident to the creation of the above-mentioned position, containing a statement of the duties for such position, has been filed with the Municipal Civil Service Commission, and said Commission has approved and certified the position title set forth in the foregoing ordinance as being the appropriate Civil Service title for the proposed position

JANET PENKSA, COMMISSIONER OF ADMINISTRATION, FINANCE, POLICY AND URBAN AFFAIRS AND DONNA J. ESTRICH, DIRECTOR OF BUDGET, ADMINISTRATION AND FINANCE, hereby certify that the above change is necessary for the proper conduct, administration and performance of essential services of that department. We recommend that the compensation for said position be fixed at the respective amount set forth in the foregoing ordinance.


 JANET PENKSA
 COMMISSIONER OF
 ADMINISTRATION, FINANCE,
 POLICY AND URBAN AFFAIRS

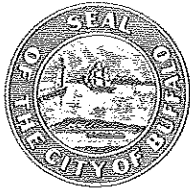

 DONNA J. ESTRICH
 DIRECTOR OF BUDGET,
 ADMINISTRATION AND FINANCE

APPROVED AS TO FORM


 Corporation Counsel 11/22/2010
 Attachment SOA

PASSED

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CITY OF BUFFALO
DEPARTMENT OF
ADMINISTRATION, FINANCE & URBAN AFFAIRS



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BYRON W. BROWN
MAYOR

JANET PENKSA
COMMISSIONER

MICHAEL A. SEAMAN
DIRECTOR OF TREASURY AND
COLLECTIONS

To: Donna Estrich
Director of Budget

From: Michael A. Seaman
Director of Treasury & Collections

Date: November 22, 2010

Re: Salary Ordinance Amendment for Division of Collections

To comply with the Amendment to Memorandum of Agreement between the City of Buffalo and AFSCME Local 650 signed on October 8, 2010, it is necessary to change a title in the Division of Collections from Junior Collection Officer to Laborer II.

Therefore, we are proposing the following changes to personnel in the Division of Collections:

Elimination of the following title:

Junior Collection Officer - Treasury	34,255.00
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Creation of the following title:

Laborer II	34,139.00
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Savings in Division of Collections	116.00
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* AYE * NO *

				*
FONTANA	*	*	*	*
FRANCZYK	*	*	*	*
GOLOMBEK	*	*	*	*
KEARNS	*	*	*	*
LOCURTO	*	*	*	*
PRIDGEN	*	*	*	*
RIVERA	*	*	*	*
RUSSELL	*	*	*	*
SMITH	*	*	*	*
	*	*	*	*
	*	9	0	*
	*	*	*	*

Maj - 5
2/3 - 6
3/4 - 7

RESOLUTION

By: Mr. Smith and Mr. Kearns

Co-Sponsors: Mr. Fontana and Mr. Pridgen

Re: Call for an Education Summit in the City of Buffalo

- Whereas: Educating students, especially in urban areas such as the City of Buffalo, is uniquely challenging and must be made a governmental priority; and
- Whereas: Despite some of the highest spending per pupil in the region, Buffalo's schools suffer from low achievement and are consistently among the lowest producing schools in New York State; and
- Whereas: The City of Buffalo has some of the lowest high school graduation rates not only in New York State, but in the entire United States. The overall graduation rate in the City of Buffalo is around 60%. Amongst boys, only 25-33% of black males and only 55% of white males finish high school; and
- Whereas: Our entire community suffers when children drop out of schools as a result of the high costs associated with incarceration and providing health care and social services, which ultimately must be borne by the taxpayers; and
- Whereas: Students who drop out of school are much more likely than their peers who graduate to be unemployed, live in poverty, receive public assistance, be incarcerated in prison, have health problems, divorce, and be single parents with children who drop out of high school themselves; and
- Whereas: Buffalo has a disproportionately high number of schools that are classified as Persistently Low Achieving (PLA) schools, including South Park High School in South Buffalo, which is the only public secondary school in that part of the City; and
- Whereas: Many different ideas have been suggested for reinventing public education to close the achievement gap of underperforming and failing schools. These include, a return to neighborhood schools, smaller classroom sizes, more afterschool programs, an extended school day, community schools, residency requirements for all school employees and moving Board of Education elections to November; and
- Whereas: As stated in the Schott Foundation for Public Education report, "Good schools are fully resourced, with talented, caring teachers, well-trained and numerous support staff, and protective and supportive administrators- and poorly performing schools are not. Good schools have challenging curricula, high expectations for all students, and an expectation for success. Poor schools do not. Good school have fully staffed libraries, an adequate supply of textbooks and computers, art and music programs, and science labs;" and

Whereas: Parents and students need to have access to information so they can choose the schools that best fit their child's needs and talents; and

Whereas: Student achievement should be the top priority in all administrative decisions and how resources that have been awarded to Buffalo from "Race to the Top" funding are spent should be discussed in open and transparent public forums; and

Whereas: A framework and mechanism must be developed for improving our schools if changes to our school system that have been discussed are to become a reality; and

Whereas: An educational summit, designed to bring together the various education stakeholders, would provide an appropriate venue for developing such a framework; and

Now, Therefore be it Resolved:

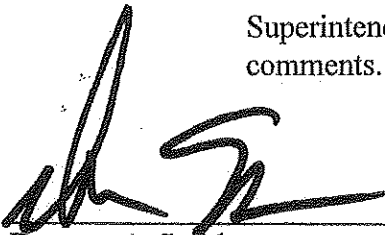
That the Common Council of the City of Buffalo calls for an educational summit to discuss issues affecting our schools and identify specific options for improving the quality of education in our school system; and

Be it Further Resolved:

That this Education Summit be scheduled for the Spring of 2011 and include members from the New York State Board of Regents, the New York State Commissioner of Education, the Chancellor of the New York State Department of Education, the Superintendent of the Buffalo Schools, the Buffalo Board of Education, higher education, mental health organizations, crime prevention agencies, representatives of parent and community organizations, concerned citizens, and teachers and school personnel; and

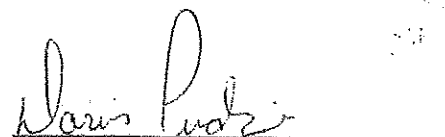
Be it Finally Resolved:

That the City Clerk send copies of this resolution to the Governor of New York, the New York State Board of Regents, the New York State Commissioner of Education, the Chancellor of the New York State Department of Education, Buffalo Schools Superintendent Dr. James Williams and the City of Buffalo Board of Education for their comments.


Demone A. Smith


Michael P. Kearns


Richard A. Fontana


Darius G. Pridgen

ADOPTED

RESOLUTION

By: Demone A. Smith, FONTANA

Re: **HOME RULE MESSAGE REQUESTING THAT THE NEW YORK STATE LEGISLATURE PASS ASSEMBLY BILL A00612 TO AMEND THE VEHICLE AND TRAFFIC LAW IN RELATION TO DIRECTING THE CITY OF BUFFALO TO ADJUDICATE TRAFFIC INFRACTIONS**

WHEREAS: Bill A00612 has been introduced in the New York State Assembly; and

WHEREAS: Such bill would direct the City of Buffalo to adjudicate traffic infractions, which are presently adjudicated by the New York Department of Motor Vehicles; and

WHEREAS: Such authorization would have a positive benefit to the people of the City of Buffalo by permitting all traffic related violations to be adjudicated in a single, convenient location; and

WHEREAS: Such authorization would additionally benefit the City of Buffalo by allowing the City to participate in and receive traffic infraction revenue; and

WHEREAS: Such authorization would place the City of Buffalo on equal footing with other cities and towns in New York State with respect to the adjudication of traffic infractions; and

WHEREAS: The City of Buffalo does not have the power to enact such legislation on its own by local law; and

WHEREAS: The City of Buffalo Common Council, on June 22, 2010, adopted a Home Rule Message in support of virtually identical legislation which was before the New York State Senate, Bill S1156B, and the New York State Assembly, Bill A2062B.

NOW THEREFORE BE IT RESOLVED:

That, pursuant to Article IX of the New York State Constitution, the City of Buffalo requests the enactment of New York State Assembly, bill A00612, entitled "AN ACT to amend the vehicle and traffic law, in relation to directing the City of Buffalo to adjudicate traffic infractions;" and

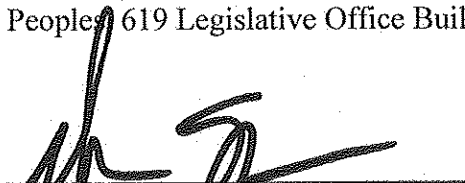
BE IT FURTHER RESOLVED:

That is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are that the City of Buffalo does not have the power to enact such legislation by local law; and

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BE IT FINALLY RESOLVED:

That the City Clerk is hereby directed to forward five (5) copies of this resolution and five (5) completed copies of a Home Rule Request to the New York State Legislature as follows: Four (4) copies of this Resolution and four (4) completed copies of the Home Rule Request, to the New York Assembly Home Rule Counsel, at Assembly Post Office, 210 Legislative Office Building, Albany, NY 12248; and one (1) copy of this Resolution and one (1) completed copy of the Home Rule Request to Assemblymember Crystal D. Peoples, 619 Legislative Office Building, Albany, NY 12248.


Demone A. Smith
Masten District Council Member

ADOPTED

No.

By Mr. Smith

Felicitations/In Memoriam

Attached hereto are Felicitations and In Memoriam Resolutions sponsored by Members of the Common Council as indicated:

Felicitations for Tuxedo Junction
By Councilmember Michael P. Kearns

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

Felicitations for
By Councilmember

In Memoriam for
By Councilmember

In Memoriam for
By Councilmember

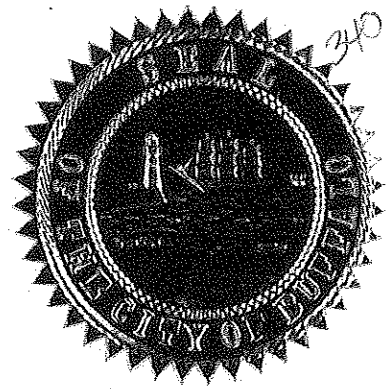
ADOPTED

January 25, 2011

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City of Buffalo

Common Council



The following proclamation was adopted, sponsored by South District Council Member Michael P. Kearns:

Whereas: *Tuxedo Junction*, one of the largest formalwear providers in the nation, was founded in Buffalo, New York in 1969 and now operates stores in more than 50 cities throughout the United States; and

Whereas: Recently, *Tuxedo Junction* donated more than 250 tuxedos, valued at \$22,500, to the music departments of five schools within the City of Buffalo Public School District. Vast budget cuts and an unstable economic climate have caused many music departments and students to not have the funds to purchase uniforms for their various musical activities; and

Whereas: *Tuxedo Junction* provided up to 50 tuxedos per school to the Buffalo Academy for Visual and Performing Arts, Leonardo da Vinci High School, East High School, City Honors School, and South Park High School. These tuxedos were a welcomed donation and have been a great benefit to the students and the music programs of each school; and

Whereas: *Tuxedo Junction's* kind donation demonstrates their desire to give back to the City of Buffalo, a community that has supported the company's substantial growth for more than 40 years.

Now, Therefore, Be it Resolved:

That the City of Buffalo Common Council commends the generous donation of **TUXEDO JUNCTION** to the City of Buffalo Public School District and recognizes the company for their ongoing commitment to the City's community and residents.

Michael P. Kearns
South District Council Member

Gerald Chwalinski
City Clerk

BY: DEMONE A SMITH

Appointments
Commissioners of Deeds
Required for the Proper
Performance of Public Duties

That the following person(s) are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional upon the persons so appointed certifying under oath to their qualifications and filing same with the City of Buffalo

See attached list

TOTAL 74

ADOPTED

1. Acker, Sharon
2. Acquino, Michael
3. Azzarello, Leanne
4. Bannister, William
5. Barba, Paul L.
6. Bartoszewicz, Richard
7. Blakeley, Kellie
8. Buffum, Nathan
9. Burd, Brian
10. Bursie, Ernest W.
11. Callahan, Brenda
12. Carter, Richard
13. Caruso, John W.
14. Collins, Tim
15. Cooley, William J.
16. Demps, Valerie M.
17. DiFonzo, Dawn
18. Doyle, Richard P.
19. Duffy, Teresa M.
20. Fay, Sharon A.
21. Fera, Gina
22. Flanagan, Paul J.
23. Flowers, Michael J.
24. Garcia, John C.
25. Geier, Lisa
26. Gentzler, Patricia A.
27. Gugliuzza, Mary E.
28. Jaskula, Sheila
29. Jones, Cara K.
30. Jones, Kerry F.
31. Kaska, James R.
32. Knight, James
33. Kobler, David S.
34. Kochersberger, Christopher S.
35. Kocol, Peter
36. Lauria, Nancy
37. Lopez, John A.
38. Lundin, Carl
39. Mahoney, Brian F.
40. Malec, Scott
41. Malkinski, Diane
42. Marrero, Shawna M.
43. McCabe, Erin
44. Michalek, Mark
45. Mikalazewski, Deborah
46. Mordino, Michael A.
47. Mulhern, Timothy
48. Munoz, Gilberto
49. Murphy, Janet M.
50. Nichols, Steven J.
51. Perez, Edwin
52. Pyszczyński, Carole
53. Rambino, David J.
54. Reilly, Debra A.
55. Rinaldo, Daniel P.
56. Ritz, Teri Jo
57. Rogers, Frances
58. Rosenswie III, Robert V.
59. Skinner, Ralph
60. Skokowski, Denise
61. Solomon, Joyce M.
62. Sullivan, Jacqueline
63. Teague, Gary E.
64. Testa, Scott
65. Thill, Amy
66. Thrist, Lovinia
67. Tomassi, Kimberly A.
68. Tucker, Deborah E.
69. Wells-O'Neill, Tara
70. White, Janice E.
71. Wiles, Sheila M.
72. Williams, Felicia C.
73. Williams, Gwendolyn L.
74. Wrest, Patricia N.

BY: DEMONE A SMITH

Appointments
Commissioner of Deeds

That the following persons are hereby appointed as Commissioner of Deeds for the term ending December 31, 2012, conditional, upon the person so appointed certifying under oath to their qualifications and filing same with the City Clerk:

- Edmund H. Hunte
- Fanchon R. Pratcher

TOTAL 2

ADOPTED

ANNOUNCEMENT OF COMMITTEE MEETINGS

The following meetings are scheduled. All meetings are held in the Common Council Chambers, 13th floor City Hall, Buffalo, New York, unless otherwise noted.

Regular Committees

Committee on Civil Service Tuesday, February 1, 2011 at 9:45 o'clock A.M.

Committee on Finance Tuesday, February 1, 2011 at 10:00 o'clock A.M.
following Civil Service

Committee on Comm. Dev. Tuesday, February 1, 2011 at 1:00 o'clock P.M.

Committee on Legislation Tuesday, February 1, 2011 at 2:00 o'clock P.M.

Special Committees

Committee on Waterfront Dev Tuesday, January 25, 2011 at 4:30 o'clock PM

(Public Disclaimer): All meetings are subject to change and cancellation by the respective Chairmen of Council Committees. In the event that there is sufficient time given for notification, it will be provided. In addition, there may be meetings set up whereby the City Clerk's Office is not made aware; therefore, unless we receive notice from the respective Chairmen, we can only make notification of what we are made aware.

00099

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No.

Adjournment

RUSSELL

On a motion by Mr. Fontana, Seconded by Mr. ~~S~~Kearns, the Council adjourned at

3:20 PM

GERALD CHWALINSKI
CITY CLERK

January 25, 2011

**Board of Police and Fire Pension Proceedings #1
Office of the Mayor-201 City Hall
January 24, 2011**

Present:

Hon. David A. Rodriguez, Acting Corporation Counsel
Timothy Ball, Assistant Corporation Counsel
Gerald Chwalinski, City Clerk

The Journal of the last meeting was approved.

No. 1

I transmit herewith the Pension Payroll for the Fire Pension Fund for the month of January, 2011 amounting to \$3,740.00 and request that a check be drawn to the order of the persons named herein for the amounts stated.

Adopted

Ayes-3. Noes-0.

No. 2

I transmit herewith the Pension Payroll for the Police Pension Fund for the months of January, 2011 amounting to \$2,815.00 and request that a check be drawn to the order of the persons named herein for the amounts stated.

Adopted.

Ayes-3 Noes-0.

No. 3

On motion by Mr. Chwalinski the City of Buffalo Police and Fire Pension Board Meeting adjourned at 11:02 a.m.